JOSEPH K. TOOLE

MONTANA

THE LAND AND THE PEOPLE

By

ROBERT GEORGE RAYMER, M. A.

MONTANA BIOGRAPHY

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TO

THE HONORABLE
LEW L. CALLAWAY
THE WORTHY SON OF A FAMOUS PIONEER
PAST GRAND MASTER OF MASONS
CHIEF JUSTICE OF THE SUPREME COURT
IN THE STATE OF MONTANA
THIS WORK IS RESPECTFULLY DEDICATED

PREFACE

Amid the majesty of the mountains one is continually reminded of the ageless past which produced those monuments of Nature's handiwork, whose snow-crowned peaks point upward to Nature's God in perennial reverence. The historian, thrilled with their beauty, remembers that the Verendryes once rejoiced in the sight of the Land of Shining Mountains. He cannot forget the toils of Lewis and Clark through the narrow canyons of the Missouri, where now is a broad and placid lake formed by impounded waters whose weight is transmitted into the electric power which pumps water into irrigation ditches, lights the homes and cities of thousands, and makes possible the workings of the deep copper mines. The beautiful mountain sheep and goats, now unhappily most rare, have given place among the valleys of those great crags to myriads of sheep; and on the plains of Eastern Montana, where once the countless dun hordes of bison roved unmolested save only by a few arrows of the aborigines, wheat, sugar beets, corn and blooded cattle furnish food for the sophisticated palates of civilization.

The story of Montana is the record of how these changes have come to pass; of how the missionaries brought a knowledge of the Christian's God; of how the fur-trader tramped into the wilderness that milady might have her luxurious furs; of how the miners, searching for gold, had to organize the processes of law to preserve their lives and property; of how good women took the place of gay ones; of how a republican form of government replaced the communal organization of the Indians in a land once claimed by the kings of France, of Spain, and of Britain.

In the presentation of this record to the public, the author is happy to acknowledge the kindness of many who have assisted in the enterprise. The members of the staffs of the libraries in which the material was gathered have been helpful and courteous, to wit: the Helena Public Library, the Montana State Historical Library, the University of Oregon Library, the John Crerar Library of Chicago, the Newberry Library of Chicago, the Orrington Lunt Library of Northwestern University and the Garrett Library of Evanston, Illinois. The author would indeed be ungrateful if he did not remember the kindly assistance and criticism of those who have read portions of the typescript in various stages of preparation, or have otherwise assisted: Mrs. Vera Parkhurst Faxon, of Billings, Past Grand Matron of the Order of the Eastern Star; Miss Gertrude Boyd Crane, M. A., B. D., Dean of Women at Intermountain Union College; Henry H. Swain, Ph. D., of Helena, Executive Secretary to the Chancellor of the University of Montana; Professor Isaac J. Cox, Ph. D., Head of the Department of History of Northwestern University; Mr. Charles S. Heidel, C. E., of Helena; Mr. August C. Schneider, Past Master of Helena No. 3 A. F. and A. M.; Dr. Ernest D. Hitchcock, M. D., of Great Falls; the Hon. Arthur H. Abbott, Supervisor of the Gallatin National Forest of Bozeman; the Reverend Charles Lincoln Bovard, D. D., of Helena; Mr. Oliver T. Crane, of Helena; Mr. David Hilger, Librarian of the State Historical Library; and the Hon. Lew L. Callaway.

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ROBERT GEORGE RAYMER.

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History *of* Montana

CHAPTER I

THE NATIVES OF MONTANA

When the Europeans first came to America they discovered a native race spread over both continents, a race utterly diverse from themselves yet bearing characteristics which suggested an Asiatic origin. They had nothing in common either with Europeans or Africans. Upon these natives Columbus bestowed the name Indians, owing to the mistaken impression that he had landed upon islands adjacent to India.[1] Perhaps if the great Genoese had ever been to India, and had seen how its people appeared, he would not have made so ludicrous an error.

There were enough points of resemblance among the various American tribes to show their radical kinship with one another, but enough points of difference to prove that a considerable time had elapsed since they had lived together with common language and customs. They had the same basic physical structure, so that they could not be mistaken for Africans or Europeans; but their various languages, while all belonging to one general classification of speech, were so diverse that interpreters were needed for communication among the various tribes.

An interesting example of this linguistic difficulty was encountered by the Lewis and Clark expedition when Captain Clark desired to speak to a Copunnish Indian. There was no mutual interpreter. The English was translated into French by one man, —that was easy, for several of the expedition spoke both languages. Another translated the French into Hidatsa; Sacajawea, the squaw of Charbonneau, the French guide, understood this tongue and translated it into her native Shoshone. And, fortunately, one of the Shoshones present understood sufficient Copunnish to give the sense. One cannot avoid speculation as to what the result would be if Europeans had to translate English into

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[1] John Wesley Powell, the great American ethnologist, has suggested that we call the aborigines of America *Amerinds*, a combination of American Indians, in order to identify them better. While in this present work we shall employ the term *Redskin* occasionally, the term is not satisfactory since the color of the American aborigines had a wide range of variation from a very light tan to almost negroid blackness.

French, French into Italian, Italian into Greek, and Greek into Spanish in order to have an Englishman talk with a Spaniard.

Possibly the explanation of the great diversity was to be found in the fact that none of the Amerinds had reduced their language to written forms. It is the literature of civilized nations which holds the language uniform. The King James version of the Holy Bible unified various English dialects into the modern form of the language. And Dante's *Divine Comedy* performed the same service for the modern Italian by embodying the Tuscan dialect into a literary form which was adopted as the common language of that peninsula.

While the Indians painted the records of their great deeds on deer and buffalo skins, they never used writing as far as we now know as means of communication. In the Yellowstone Valley some unknown aborigines carved hieroglyphics in the rock high above the ground. When Gibbon's command was in the vicinity in 1876 effort was made to learn from the Crows what the engravings meant. The great labor necessary to carve them was taken to indicate a very serious purpose. But the Crows replied that the carvings were made by spirits and every few winters the spirits would remove them and engrave new inscriptions. Markings of like character were said to be scattered all through the Crow country. But the Crows of 1876 made no such records and had not even so much as a tradition to account for the presence of the carvings.

Similar markings were made by Indians on the cliffs of Wild Horse Island in Flathead Lake. They are not basically different from the pictographs in use among the Plains Indians and there is no reason to postulate any great antiquity for them. Yet the Selish do not claim them and say they do not know what the markings mean.

In spite of the differences in language, dress, customs, implements, and government, there can be little doubt but that all Amerinds had a common source. But we must examine several interesting opinions as to what that source was.

First, it has been suggested that the Amerinds were absolutely indigenous to America. That is to say, from the very first development of human life these Indians lived in America, and that from a common source in America all these tribes radiated. This theory is as hard to disprove as it is to prove, for it is the next to impossible task of establishing a negative as a positive fact.

If it were true that men had had an original source in America we might properly expect to find very ancient remains of artifacts such as weapons, buildings, pottery, and so forth. All the Indian mounds that have been opened have yielded absolutely nothing to show that a different race of men than that which occupied America in 1500 made the mounds or the articles found in them. No bone or skull has ever been found in American soil which belonged to a man of a different race than the Indians, except, of course, comparatively recent remains of immigrants. Further, human occupancy of North America earlier than the Christian era simply cannot be proved. Any human development in as short a time as that is unthinkable. Then the only hypotheses left to us involve a migration into America from some other portion of the earth. Whence, then, came these Amerinds?

The second theory of their origin is the result of ignorance, and is as untenable as the first. It has been said that the Indians were the remnants of the "Ten lost tribes of Israel." In order to explain this theory we must go into Semitic history. When, in the eighth century before Christ, the Assyrians invaded Palestine, the ten northern tribes of Israel were carried east into captivity. They were scattered among the inhabitants of the Assyrian Empire and lost their nationalism completely. They were not lost in the sense that they disappeared, for their descendants may be easily identified today in the regions into which the original Israelites were dispersed. But it has been a favorite theory of some ignorant persons that the Amerinds are the descendants of these lost Israelites.

There is a suggestion in the physiognomy of the Amerind of a possible Semitic origin, but here likeness ceases. Languages which have a common source show this affinity through thousands of years of separation. Frenchmen and Hindus are removed from a common ancestry by at least three thousand years, yet their language is similar in structure and even in vocabulary. Religion, another social factor which is peculiarly persistent, is utterly different among the Semitic peoples and the Amerinds. No ethnologist of standing in the profession has seen evidence of descent of the Amerind from any Semitic stock.

A third hypothesis is much more tenable. This theory alleges that the American Indian came out of the central Asian plateau. The passage from eastern Asia by way of the Aleutian archipelago to western America is easy even for very small canoes. Within historic times small Chinese junks have been driven by storms across the Pacific to the California coast. The migration, then, is physically possible. The Indian physiognomy is strikingly suggestive of the Mongolian. The language of certain California Indians compares very closely with certain Chinese dialects. The religious views of Amerind and Mongolian are much alike, particularly as to the veneration of the powers of nature. The position of women in the community has interesting similarities. In fact, the only point lacking in confirmation of this theory is the historic tradition. The Amerind does not know whence he came and has no reasonable theory to explain his presence in America.

After an examination of the several hypotheses regarding the origin of the Amerind we must conclude that he probably came from northern central Asia, possibly since the Christian era.

One notable feature of the Indian life is the evidence of very wide migration. The Crow Indians of Montana are of kindred stock with those Indians of the East made famous by the pen of James Fenimore Cooper. A knowledge of Christianity was brought to the Selish, who inhabited the western slope of the Rockies, by Iroquois who lived in the region of the Catskills.

Geographical Division of Montana Indians

A careful student of Montana Indians will distinguish four natural geographical divisions of these people: (1) West of the Rockies lived the Flathead Confederacy, including the Selish, Pend d'Oreilles (pronounced Pon dee ray), Kalispells, Kootenays, and Spokanes. A little to the south of the Confederacy roamed the Shoshones, a people of wide distribution over the mountain region. (2) North and west of the Missouri River roamed the Blackfoot Confederacy consisting of Blackfoot, Piegans, and Bloods. To the east of these people were to be found the Assiniboines. (3) South and east of the Yellowstone was the Crow and Gros Ventre country, whose occupancy was challenged by both Sioux and Cheyennes. (4) The region lying in the triangle formed by the Missouri and Yellowstone was considered a neutral hunting ground, into which the Flatheads were wont to make a yearly excursion for buffalo. Probably the Nez Perces, a more westwardly tribe, kinsmen of the Flatheads, and the Shoshones came into this grassy plain to hunt.

The Assiniboines, Brochet or Fish people, separated from their ancestral stem, moving northward and gradually joining the Crees. Until 1838 the tribe numbered from one thousand to one thousand two hundred lodges located near Winnipeg and in northeastern Montana. Later smallpox reduced the number to four hundred lodges. The fact that they were very warlike and continually surrounded by hostile tribes may have been partially responsible for this sudden decrease. The Dakotas were their most dangerous enemy.

Physically the Assiniboines resembled the Sioux. The men seldom cut their hair and often used false hair to lengthen their braids. In dress and customs they resembled the Plains Cree with the exception of the cleanliness and decorum observed by the Assiniboines in camp. Their hospitality was enjoyed by many visitors. Polygamy was common. Their principal occupation was the making of pemmican from buffalo meat, which they bartered to the whites for liquor, tobacco, powder, balls, knives, and so forth. It has been said that they sacrificed dogs to their deities.

They were said to be the most expert of the plains tribes in hunting buffalo by driving a whole herd into a pound made by trees, laid on one another, and interwoven with branches. This structure was made between two hummocks or at the foot of rising ground. Young men were sent out to hunt and drive in the buffalo. A man with a buffalo robe over his head remained near the inclosure ready to lead the herd to destruction. When the buffalo were caught the men assembled with their bows and arrows and shot until the entire herd was killed. Each arrow was marked and the owner claimed his buffalo. A feast was then held and numerous ceremonies observed. Horses were sometimes used but they were not as satisfactory as men for rounding up the buffalo.

They were excellent riders and notorious horse thieves. Instant murder was often committed resulting from a quarrel over a horse or a woman. Hospitality to strangers was a very strong feature among the Assiniboines. They were rather timid and only feared because of their great numbers.

The Assiniboines of the Plains are a division of the Assiniboine tribe distinguished from these living in the wooded country. De Smet indicated the division in the tribe, stating that the Plains Assiniboines "Are more expert in thieving, greater topers, and are perpetually at war." They include the Itsheabine, Watopochnato, Otaopabine, and Jatonabine.

The Shoshoni or Snake Tribe occupied the territory of western Montana and the Snake River country in Idaho. They were driven to the Rocky Mountains by the hostile Atsina and Siksika, where they were found by Lewis and Clark in 1805. Sacajawea, the Bird Woman, the wife of Charbonneau, who guided the Lewis and Clark expedition through the Rockies, was a Shoshoni. The northeastern Shoshones were horse and buffalo Indians of a warlike character, while those along the Snake River were of a lower type. The territory occupied by the Snakes was barren and dry. Small game and fish supplied them with food. For this reason they were frequently called "Diggers." The northern Shoshones lived in tipis while those living in southern Idaho used brush shelters entirely. Many of these shelters had no roof, providing an imperfect protection from wind and snow. There were many dialects among the Shoshoni corresponding to the greater or less degree of isolation of the several tribes. They presented, however, no essential differences and were all mutually intelligible.

The Crow Indians separated from the Hidatsa as a result of a dispute between two chiefs who were desperate men with an equal following. They moved from the Missouri River to the Rocky Mountains and inhabited this region until gathered on the reservation. After their migration to the Rockies they were engaged in constant warfare with the Siksika and Dakotas. For a time they allied with the Snakes until they were considered unwelcome interlopers and were driven out after the battle of Crow Heart Mountain. They were a wandering tribe of hunters, planting only a few small patches of tobacco. According to Maximilian (1834) they were the proudest of the Indians, despising the whites. The women were skillful and artistic. The men were very accurate in weapon making. The Crows were extremely superstitious, very dissolute; they were skilled horsemen, throwing themselves on one side in their attacks. Both the men and women were larger than the average white man. They were a tall, athletic race, of a lighter color than the Indians west of the Rocky Mountains. Their hair and eyes were usually black, but some of them had dark brown hair, while some had blue or grey eyes. Many of them became grey while quite young but never bald. They had fine teeth which very seldom decayed.

It has been said that the Crows used their prisoners of war as human sacrifices, binding them to poles and leaving them to die of hunger and thirst.

The head of the Indian on the five-cent piece (buffalo nickel) is a portrait of Plenty Coos (Coups), chief of the Crows (1928). Mountain Crows and River Crows are the two main classifications of the tribe.

Before being driven west by the whites the Sioux tribes inhabited the territory from the west banks of the Mississippi northward from Arkansas nearly to the Rockies, except for certain sections held by other tribes. The northern Sioux tribes extended into Canada in the direction of Winnipeg. The Siouan family was so large and dispersed that it is difficult to give any definite characteristics applying to the entire group. The northern Sioux, however, were a hunting tribe, using the tipi for shelter. Before horses were introduced into the Indian territory the Sioux used dogs for transportation purposes.

The Cheyennes were an important plains tribe of the Algonquian family. Originally they occupied the Upper Mississippi territory, finally moving westward into the Dakotas. At first they were agriculturists but as they were driven out of the fertile Mississippi Valley into the bad lands of the Dakotas, buffalo hunting became their occupation.

The great tribal ceremony of the Cheyennes for many generations has been the Sun-dance, which is thought to be adopted from the Sutaio. Besides this they have used the Ghost-dance, Fire-dance, Buffalo head ceremony, and the Peyote rite. The Cheyennes may have had a clan system but since their wandering on the plains with only one reunion a year this system has become extinct.

Until they were gathered on the reservation, the Blackfoot tribe roamed about the vast territory from the Saskatchewan River in Canada to the Missouri River in Montana. At the present time the tribe is colonized on three reservations in Canada and one in Northwestern Montana. The three tribes of the Blackfoot Confederacy, Siksika, Bloods, and Piegans seem to be separate and independent but the Siksika or Blackfoot was the nucleus of the Confederacy.

The Siksika were stout, tall and well proportioned, with a rather swarthy complexion, although there were some with fair skin, gray eyes, and light hair. They daubed their bodies and garments with red earth, which gave them a ghastly appearance. The hair was worn much in the same manner as the Assiniboines. "Their dress consists of a leather shirt trimmed with human hair and quill work, and leggings of the same; shoes are of buffalo skin dressed in the hair; and caps, a strip of buffalo or wolf skin about nine inches broad, tied around the head. Their necklace is a string of grizzly bear claws. A buffalo robe is thrown over all occasionally. Their ornaments are few—feathers, quill-work, and human hair, with red, white and blue earth, constitute the whole apparatus; but they are fond of European baubles to decorate their hair. The young men appear proud and haughty, and are particular to keep their garments and robes clean. The women are a filthy set. Their dress consists of leather; their hair, never combed except with the fingers, is worn loose about the neck and always besmeared with the red and lead-colored earth."

The Piegans derive their name, it is said, from a chief of that name, meaning pheasant, who led them in their separation from the Blackfoot tribe. They were an advanced and warlike group. They dressed comfortably in skins decorated with porcupine quills.

Their bows were very short, not more than a yard long, and made of ash-wood, bone, or horn. On September 1, 1868, the Government forced a treaty upon them whereby they were promised $1,000,000 in return for the cession of their land. Warfare and smallpox reduced their numbers. The Commissioner of Indian Affairs reported 2,450 in 1874; but since that time their numbers have diminished but little.

The country occupied by the Piegans was along the foot of the Rocky Mountains from the Saskatchewan River to the Missouri. They depended on the buffalo for food and their movements kept them in close touch with these animals. In the summer they assembled in large camps for protection from enemies, but in the winter they divided into small bands. There was a small band of Piegans who would not join the tribe and hunt on the plains; these kept their lodges in the mountains and were more industrious than their kinsmen. The Piegans of the plains despised labor, avowing that war, women, liquor and horses were their only delights. Cooking utensils and axes were very scarce. Most of their meat was cooked on a wooden spit. They were not clean in their cooking and had no regular meal hours. They abhorred work to such an extent that instead of building pounds to catch buffalo, they would find a cliff along the river and drive the herd over this precipice. This often proved fatal to the Indians as well as the buffalo. If the cow in the lead came to the precipice before being entirely exhausted she refused to leap and turned the stampede back on the Indians.

SUN DANCE OF THE PIEGANS

The dress of the Piegans was plain and simple, made of plain leather. Their winter dress differed very little from that of the summer. They had ornamented dresses for certain occasions.

War was their main delight and they were always the aggressors. The Piegans were greatly given to gusts of passion which often caused great commotion but was soon overcome. They were fickle, changeable, and not trustworthy.

The Blackfoot Confederacy had numerous dances, both religious and social. They were organized into several secret societies. This tribe, like many others, has been greatly reduced by smallpox and measles. A great number, however, died when the buffalo became nearly extinct. Polygamy was very common. Many of the Blackfeet had as many as six or seven wives who were treated like slaves. They were notorious thieves, taking everything that could be carried or driven off, except horses, which were too numerous. One Blackfoot often had forty or fifty horses of his own. Their tents were large and clean. Like all Indians, they were very superstitious, especially in their smoking ceremonies, and their ideas of a life after death were very confused.

"There is no tribe, perhaps, on the Continent, who dress more comfortably, and more gaudily, than the Blackfeet, unless it be the tribe of Crows," wrote Catlin. "There is no great difference, however, in the costliness or elegance of their costumes; nor in the materials of which they are formed; though there is a distinctive mode in each tribe, of stitching or ornamenting with the porcupine quills, which constitutes one of the principal ornaments to all their fine dresses; and which can be easily recognized, by anyone a little familiar with their modes, as belonging to such or such a tribe. The dress, for instance, of the chief whom I have just mentioned and whose portrait I have just painted, consists of a shirt or tunic, made of two deer skins finely dressed, and so placed together with the necks of the skins downward, and the skins of the hind legs stitched together, the seams running down on each arm, from the neck to the knuckles of the hand; this seam is covered with a band of two inches in width, of very beautiful embroidery of porcupine quills, and suspended from this, from the shoulders to the hand, is a fringe of the locks of black hair, which he has taken from the heads of victims slain by his own hand in battle. The leggings are made also of the same material; and down the outer side of the leg, from the hip to the feet, extends also a similar band or belt of the same width; and wrought in the same manner, with porcupine quills, and fringed with scalp-locks. These locks of hair are procured from scalps, and worn as trophies."[2]

The hunting grounds of the Gros Ventres[3] was near the northern limits of the United States, principally around the north fork of the Milk River, and east of the eastern chain of the Rockies. As their country was cold and inhospitable during winter, they moved east to the region of the Mandans and Assiniboines, and were there when the smallpox attacked that region. The entire tribe was nearly exterminated by this disease. After the smallpox attack the Mandans, Assiniboines and Gros Ventres lived in the same locality, all three tribes living together in friendship and harmony. The Gros Ventres gave up polygamy and their savage ways, adopting the customs of the other two tribes. In characteristics, customs, habits, and general appearance they resembled the Sioux in general. They were as comely and active as any tribe in the Northwest.

The Selish tribe was more commonly called Flathead, not because they practiced the peculiar custom of deforming the head, but because they distinguished themselves from the tribes farther west by leaving their heads in their natural condition, flat on top. Flattening the head was common among the Chinook and other tribes along the mouth of the Columbia, but when the name Flathead is applied to the Bitter Root Selish it is a misnomer. Their territory was around the Clark's Fork and the Flathead rivers. Buffalo were numerous and horses were used in hunting. They were brave, virtuous, and never attempted war themselves, but were often attacked by the Piegans, and fought bravely. Unlike most of the savages, chastity by the Flatheads was particularly esteemed and their morals were not corrupted until the introduction of liquor by the whites. They took great pride in the fact that they never "spilled a drop of white man's blood." The whites were held in great esteem by the Flatheads.

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[2] Catlin, Geo. *North American Indians*, Vol. I, 34.

[3] This tribe got its name, Big Bellies, from the uncouth distension of their abdomens caused by eating roots.

"The Indians who live on Clark's River are of the middle size. The women are very filthy. Their faces, hands and feet are black and stiff with dirt. They rub them every morning with a composition of red and brown earth mixed up with fish oil. Their hair, always long and disheveled, serves them for a towel to wipe their hands on. Their garment is generally tattered, and stiff and shining with dust and grease. They seem to be less subjected to slavish labor than the squaws that live east of the mountains, still they have to toil hard, and do whatever is most difficult. What must appear rather singular is, that the men more frequently handle the needle than the squaws. Their chief occupations, however, are fishing and hunting.

The Kootenais belonged to the Kitunchan family as classified by Major Powell. Their territory included Southeastern British Columbia, Northern Montana and Idaho. It is thought that the Kootenais were formerly east of the Continental Divide and were driven west by the Blackfoot tribe. Their language resembled that of the Blackfeet. The land of the Kootenais was very rough and unsuited for agriculture but abounding in wild game and fish. The Upper Kootenais were more progressive and industrious than the Lower branch of the tribe, who were of a nomadic lake and river-loving nature. Physically and intellectually they were superior to other tribes though more recently many of them in the region of Flathead Lake degenerated. They were sun-worshippers.

Some of the tribes of the Nez Perce family are the Walla-Walla, Palouses, Yakimas, and Kilkatates. They are found near the Great Falls of the Columbia extending from the Cascade range on the west to the Bitter Root range on the east. They have been described as noble, intelligent and handsome; clean of body and morals, friendly to white men and attentive to their teachings. Their nature was nomadic to some extent, while they were more systematic than many tribes. They had several homes and may be compared in a way with our present day millionaire, who has a home for every season. They used the typical underground lodge which contained from three to four families. Salmon, roots and berries constituted their main food supply until the introduction of horses made hunting in the nearby mountains possible. There was no head chief of the tribe but each band had several chiefs of whom one was regarded as a leader. These chiefs were succeeded by their sons. There was no sign of the clan in their social organization and marriage was permitted between any couple except in the case of recognized relationship.

The religion of the Nez Perces prior to Christianity consisted of the worship of many spirits. Any person might procure a guardian spirit by proper training and fasting.

The Nez Perces were always independent and brave, with a particularly noticeable friendliness to the whites. The Nez Perce war of 1877 was practically the only violation of this friendliness, and this was in defense of their liberties.

There were two geographical divisions of the Bannack tribe, but reference to this group of Indians does not always make the necessary distinction. They ranged from Idaho to Wyoming, separating the Wihnasht Shoshoni of Idaho from the Washaki Shoshoni of Western Wyoming. The territory occupied by the Bannacks in Montana was in the present vicinity of Bozeman and Virginia City. The Bannacks were a widely roving tribe whose population was greatly decreased by smallpox and the invasion of the Siksika. Both the men and women were well developed, physically resembling the Nez Perces, but Shoshonean in language. In 1878 the Bannacks revolted due to the scarcity of buffalo and the failure of the Government to give timely relief, the trouble being of long standing. After they were confined on the reservation the Bannacks caused much trouble, finally leaving the reservation, because of lack of food, and going to Camas prairie, where they killed several trappers. A vigorous campaign under the direction of General Howard resulted in the capture of about a thousand of them and the outbreak came to an end. The Bannacks have now intermixed with the Shoshoni.

The Kalispell tribe is popularly known as the Pend d'Oreilles of the Upper Lake and those of the Lower Lake. The Selish and the Kalispells were on friendly terms and hunted in the valley of the Sin-Yal-Min, the rendezvous of the great Salishan family. Their territory included the northern part of Idaho, Northwestern Montana and Northeastern Washington. Lake Kalispell and Clark's Fork supplied them with fish and the fertile valley above Flathead Lake gave them an aptitude for agriculture. The Kalispells had the same language and customs as the Flatheads. The Lower Kalispells were even more industrious than their kinsmen. Agriculture was their main occupation, yielding great results regardless of the early and constant snows. The Kalispells were never aggressive but when attacked they fought bravely. Although the Blackfeet were their greatest enemies, the Kalispells allowed them to come into their territory unmolested unless the Blackfeet attacked them, which was very rare unless the Blackfeet were superior in numbers. When placed on reservations they were divided between the Flathead agency in Montana and the Colville agency in Washington.

Social Organization

The Indian's social system differed from our own. We have families, secret societies, churches, luncheon clubs, sewing clubs, and other organizations. He had organized his family on a different basis. He supported no organization akin to our churches, he had no luncheon clubs or booster societies, but his secret societies were much like our own. As in Christian baptism, a "new name" was given to the initiate.

One of the peculiar features of Crow organization was the institution called by sociologists the sib, or the clan. The sib, or clan, is formed by all the descendants of a given ancestor, relationship being traced through the mothers or fathers but not through both. Among the Crows, this clan relationship was traced through the maternal line, that is to say, sons of the same mother, cousins of the same grandmother, and so forth, belonged to the same sib. There were thirteen of these clans. Marriage had to be contracted with a member of another sib.

Personal names among the Crows, as among other Montana Indians, had nothing to do with family relationship. The personal name, like our Christian name, was bestowed by a distinguished tribesman.

The Blackfoot frowned upon marriage between cousins and preferred marriage outside the local band. Concerning the Crows, Dr. Robert H. Lowie writes, "There was abundant opportunity for philandering at picknicking excursions or similar occasions, and some of the attachments thus formed ripened into more than temporary unions. Yet in tribal estimation such marriages were not to be compared with marriages by purchase, which ranked as more honorable and are said to have had far greater likelihood of permanence. This doubtless was due to the fact that a man would only buy a woman or girl with an established reputation for chastity. The matrimonial history of a typical Crow might thus consist of several love matches and a single orthodox marriage by purchase, which through the sororate often became polygamous. A woman did not become an outcast by associating herself with a man by inclination: she merely fell short of ideal perfection. Indeed, she would not even arouse unfavorable comment unless she frequently changed mates. A handsome or brave man was expected to have an indefinite number of love affairs quite apart from anything resembling marital alliances.[4]

The wives among the Crows might be obtained in several ways. A warrior (1) might buy a wife; (2) he might inherit his brother's widow—a custom practiced among the ancient Hebrews, as we learn from Deuteronomy, 25:5-6; (3) he might steal her by attack upon Cheyennes, Dakotas or other neighbors; (4) or having purchased the eldest daughter, he might be given some younger sister, particularly if the first wife proved childless.

While the Montana Indians differed from us in their social practices, they also differed among themselves so that it is difficult to get an idea of their ways of thinking and doing without analyzing each tribe separately. But in general we may say that unless the wife were an alien she was not a slave. She might be loaned as an act of courtesy to a guest but she could not be sold. She was not ordinarily mistreated, and the vigor with which her unfaithfulness was punished showed a jealous regard for her.

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[4] Lowie, *Primitive Society*, 245.

Their division of labor gave to the men the dangerous tasks, which often called for great endurance of hardship. And to the women were allotted those tasks which called for skill and routine. Children lived a carefree life, often a pampered one, for a low birth rate and the hard living conditions made children scarce, and, accordingly, very valuable. The only schooling they received was the examples of their elders. Great attention was paid to their physical development, preparing them for the hardest kind of life. No matter in what season a child was born it was at once plunged several times into water. For the first week the child was kept by some woman other than the mother. When the parents took the child back it was put into a cradle which consisted of a board about a foot longer than the child; to which the child was bound with bandages beginning with the legs and reaching to the shoulders; making it tightest about the loins and the pit of the stomach in order to enlarge the chest as much as possible. Thus fixed the child remained until he was able to walk; in the meantime he was placed about the lodge or hung on a tree away from wolves or snakes. When they traveled the cradle was hung on the saddle-bow. Until he was twelve years old the child remained about the lodge, doing little or no work. At the age of twelve he began to take care of his father's horses and learned to use firearms. Between the ages of sixteen to eighteen he assumed the responsibilities of a warrior and elder of the village. The girls did not lead such a free life. They were forced to help their mothers, bringing wood, mending garments and many other tasks. When they became of age the father sold them for a horse or two and she became the slave of a man she might never have seen before. The naming of children took place with a great ceremony or feast. After the feast, the eldest of the family gave the name which was decided upon because of a dream or action of the child. Boys were usually named when they became seventeen. Before the feast they fasted for eight days, paying close attention to their dreams and selecting some animal to be used as his totem.

The Montana Indians had largely the same concept of property. Land was not property to them, but hunting rights on specified land was communal. If a white man killed a buffalo in Crow hunting grounds he attacked the property right of the whole tribe just as if a Piegan should steal the horse of a white settler. The Indian had difficulty in understanding how it was right that the paleface should kill buffaloes but wrong for an Indian to kill a straying pig.

Individual rights in property were recognized and defended partly by the clan, but principally by the individual. The women had individual property right in the household utensils and other articles which they personally used. Weapons were always individually owned and never collectively as with ourselves. Among the Crows the right to use a special kind of ceremonial paint, and the right to plant the sacred tobacco were individual and transferable property.

Foods

The Montana Indians knew no foods that we would class as vegetables. The Indians of the Eastern United States used, in various localities, squash, pumpkin, corn, and potatoes. The Montana Indians used none of these. Neither did they eat the shell fish, clams, snails, slugs, and other invertebrates which were eaten by Indians of other regions.

The Montana aborigine relied chiefly on various kinds of flesh for his sustenance. Chief of these was the buffalo. The deer, antelope, mountain goat, bear and many other kinds of game were eaten. Only the dog was domesticated for his flesh.

Meat was dried by the Plains Indians by first cutting in thin flakes, then spreading it on racks in the sun. Mountain men made and used this "jerked beef" when game was scarce.

Pemmican (the word is native to America) was a highly prized article of diet. An old plainsman, William T. Hamilton, thus describes its manufacture. "The choicest cuts of meat are selected and cut into flakes and dried. Then all the marrow is collected and the best of the tallow, which are dissolved together over a slow fire to prevent burning. Many tribes use berries in the pemmican. Mountaineers always do unless they have sugar. The meat is now pulverized to the consistency of mince meat; the squaws generally doing this on a flat rock, using a pestle, many specimens of which may be seen on exhibition in museums. A layer of meat is spread, about two inches thick, the squaw using a wooden dipper, a buffalo horn, or a claw for this work. On this meat is spread a certain amount of the ingredients made from the marrow and tallow, the proportion depending on the taste. This same process is repeated until the required amount is secured. One pound of pemmican is equal to five pounds of meat."

Buffalo tongues were considered by whites and Indians alike as great delicacies. They were split lengthwise and dried for future use.

Another much esteemed delicacy was called "depuyer" from the French *depouille.* This was a fatty substance lying along the backbone from the shoulder blade to the last ribs. The strips were from seven to eleven inches broad and as thick as a finger on the spine side, tapering to a feather edge. This fat was stripped off (*depouille*), dipped in hot grease and smoked for a half day. It was used as a substitute for bread and eaten with lean and dried meat. Trappers paid a dollar a pound for this luxury.

Several different roots were eaten by the Amerinds of the Upper Missouri, some of which were regarded by whites as edible and some as inedible. In season, particularly in the late summer, a variety of berries was enjoyed. Among these were blackberries, huckleberries, and raspberries. Most abundant of all were the chokecherry and service-berry.

Fish were an important article in the diet of some tribes. The Assiniboines derived their name "fish-eaters" from their reliance on this food in contrast with their neighbors who lived upon buffalo meat. Fish were taken in nets and on spears.

The Montana Indians lived very much, as we say today, "from hand to mouth." That is, they made little provision for future needs beyond drying buffalo beef and making pemmican. There was no buying or selling of food among themselves, for no one troubled to get more than his own lodge needed. If some particular need demanded charity the givers usually endured a shortage. The Amerinds were fond of feasting to the point of gluttony when there was abundance of meat, but their periods of want counterbalanced their feasts, so then on the whole we must consider them an ill-nourished people.

Religion of the Aborigines

In discussing the religion of the Montana Indian we may define it as the reaction which springs from the relation of an individual to the outside world. Owing to a different point of view, certain ideas of the primitive man may seem to be considered religious to us, while to the people using them they seem as purely rationalistic. Indian religious concepts are divided into two groups, those concerning the individual and those concerning the tribe or clan. Individually the concept is that of the magic power of nature having an influence on the actions of man. That is to say, the Indian believes that the power of nature was more potent and superior to that of man. The belief that this power is contained in inanimate objects is common, although animals are usually held in higher esteem. The power of specific objects is localized, and often a deity is established. Differences in Indian mythology point out this localization. Another group of concepts refer to the relation of the individual to his inner self, so far as they are not controlled by will. The most important of these are dreams, sickness and death. Since their religion pertains to magic spirits they must use certain ceremonies to please the good spirits and frighten away the evil ones, especially in time of war.

Indian ideas of the creation and life after death were very confused. The Blackfoot Confederacy explained the creation in the following manner: In the beginning the world was a vast body of water, inhabited by a great white man and his wife, who had no children. This man gradually made the earth, dividing the lakes and rivers by mountain ranges. Next he made all the living creatures except man. After doing this he made a man out of clay and gave him the power to make himself a wife out of clay. From these originated the white race. Later the Indians were made by the great white man. The Indian for some unknown reason became jealous of his wife and cut off her leg. She fled to the moon and there she remained with only one leg and because of shame she only appeared at night. The great white man became disgusted and went to the sun, where he remained, the ruler of all things. Time had no effect on him. In the winter he became old and lost his vigor but in summer he became young again. An eclipse of the sun or moon means bloody wars.

In life after death the Blackfoot believed that the spirit went to a hummock between the Red Deer River and the South Branch of the Saskatchewan, near the Rocky Mountains. From here the spirit went southward to a "delightful country, well stocked with horses, buffalo, and women, and there lives happy to all eternity, making pounds, chasing buffalo, and enjoying handsome women." However, anyone who lived a wicked life, committed murder or suicide must reach the happy hunting grounds by climbing a steep precipice. After reaching the top he comes to a large camp. If the inhabitants came to welcome him he would be happy forever, but if they do not he will have to come back to life on earth, which is a great punishment. If a woman hanged herself she would never reach the hunting grounds but would wander about in vain. Warriors killed by their enemies in battle soared in the air, crying as if in battle. If an Indian was terrified by these cries he would die in a short time, otherwise he would live to old age.

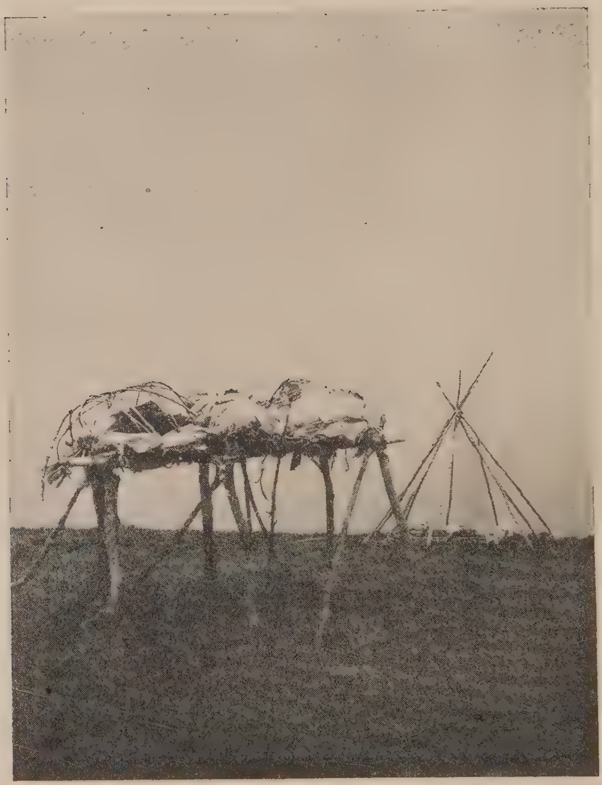
Some tribes believed that there were two souls. One of the body which always hovered over the burial place and another of the mind which went to the southern paradise. The body was not resurrected but the soul received another body, like the one he had on earth except for imperfection or disease. Indians talked very little about a future existence and many of their ideas were confusing. They had no fear of the future and no idea about atonement or a redeemer on earth.

Burial Customs

When a great chief died all the warriors of the tribe accompany the body to the burial grounds, each taking some trophy of war to place in the grave. The good deeds and fine qualities of the chief were told by some great orator. The body was then placed in the grave with the face toward the setting sun, all his weapons of war, his pipe, tobacco bag and provisions were placed beside him. The warriors wished him a happy journey and each took his hand for the last time before the grave was closed. The guardian spirit of the dead man was painted on a pale which was placed before the mound; all the warriors made some mark on this pale before they departed. The grave was watched for several days after burial to denote the destiny of the spirit. If a beautiful bird or insect were seen, the soul met kindness in the next world, but if a snake, reptile or bird of prey was seen, the soul was lost.

The souls of the dead were kept supplied with food for a year. Whenever a relative of the dead man dined, part of the meal was thrown in the fire, which transferred it to the soul. When a husband or wife died the survivor paid the price of the body, in horses or money, to the relatives or faced the danger of losing all his possessions. A wife mourned for a year after her husband's death. She might neither comb her hair nor wash herself, unless nearly eaten by vermin. Then service might be administered by a kinswoman of the departed.

The Assiniboines buried their dead on platforms built seven or eight feet above the ground. Treasured belongings and provisions



AN EARLY DAY ASSINIBOINE BURIAL GROUND

were put on the platform with the body. Once or twice a year the relatives visited the tomb, offered sacrifices and performed ceremonies. They placed meat, which had been carefully prepared, beside the body. The calumet was then lighted and puffs of smoke sent toward the dead.

The Utes, a tribe of Snakes, burned their dead. The body, with the best horses of the dead man, after cutting their throats, were placed on a large pile of dry wood. When the smoke rose in eddies, they thought that the soul made its flight on his horse. To hasten his journey they uttered frightful howls.

The Calumet

The calumet presided over all feasts and ceremonies. Its first puffs were sent to the sun, which gave them light, the next to the earth, which nourished them, and finally to the four points of the compass, which furnished all the elements and favorable winds. The hobowakan or calumet was the most treasured object of the Indian's possessions. He was considered very poor if he did not own a pipe. Smoking was the most elaborate ceremony among the Indians; it was the Alpha and Omega of all other ceremonies. When an Indian sent the calumet to a stranger it was a sign of peace and friendship, of gratitude for benefits received. To refuse the calumet was the equivalent to a declaration of war.

Ethics and Methods of Warfare

The Indians recognized two kinds of warfare; defensive, or fighting for the protection of women and children, the home and the village; and aggressive warfare, or the going out to avenge a wrong. The aim of war was to destroy, and neither age nor sex were taken into consideration. Mutilation of the dead was not general but scalping was practiced to a great extent. Ordinary physical training enabled the men to undertake the rigid duties imposed on a war party. There were grades and ranks among warriors classified by personal achievement, and an elaborate religious ceremony accompanied the conferring of war honors.

The offensive weapons of the Indians may be classified by their working parts and hafting, and their use. Striking weapons were of stone, bone or wood, in the shape of clubs or balls, on which the Indians carved much of their mythology. Cutting weapons before the introduction of iron were made of stone or copper; piercing weapons were made of hard substances that would make a point such as bone, obsidian, or flint. Many weapons were made to serve two purposes. All three classes are subdivided according to the manner of holding or mounting. The chisel-edge African arrow was almost unknown among the American Indian and the poisoning of arrows is a much mooted question. The war arrow had a single head. The bows used by the Indians of the Northwest were of three kinds: (1) The horn, (2) the red cedar, (3) and the plain wooden bow. The horn and cedar bow required much care but the plain wooden bow was always ready for use. The horn bow was made of ram's horn with the outside left undressed and overlaid with several layers of sinews which were glued on to one-third of an inch in thickness and covered with rattlesnake skin. The inside was smoothly polished. They were about three feet long and would throw an arrow a considerable distance. The red cedar bows were made of a slip of that wood, bound with sinews like the horn bow. It was nearly four feet long and threw the arrows a great distance. The plain wooden bow was made of cedar, willow or ash; the outside was untouched.

The shield was the most common defensive weapon of the Aborigines. It was worn on the left arm by means of thongs fastened on the inside. Shields were usually circular in form and made of thick rawhide, or bark, basketry and rods woven together. The making of shields was attended with great ceremony. Rawhide shields were made by digging a hole in the ground. Hot rocks were placed in this hole and water poured over them. A green buffalo hide was stretched over the hole and steamed. It was then dried, making a very tough, thick protection. The hole was made according to the shape of the shield or the size of the hide. Many methods were used in decorating the shield and a special place set aside for it in the tent.

Armor was not used by Montana Indians; where used by other Amerinds it was of two kinds: (1) woven of rods or splints of wood or of plates of ivory; (2) made of thick rawhide. The fighting of the Indians was mainly hand to hand combat, therefore nearly all the weapons were individually manipulated.

Handiwork

In each of the ethnic areas of North America nature provided traceable and attractive material to the Indian bead-maker. This is an important item due to the fact that beads and money were analogous in practice. Subsequently imitated by the colonists, these beads received a fixed value after the colonization. Cradles and articles of skin were profusely covered with bead work replete with symbolism. The general uses to which beads were put are legion. They were tied in the hair, worn singly or in strings from the ears, on the neck, arms, wrist, waist and lower limbs, or were attached to bark and wooden vessels, matting, basketry, and other textiles. Again, they were embroidered on every part of ceremonial costume, sometimes entirely covering headdress, coat, regalia, leggings, or moccasins, and on all sorts of receptacles. They were largely employed as gifts and as money, also as tokens and in records of hunts or of important events such as treaties. They were conspicuous accessories in the councils of war and peace, in the conventional expression of tribal symbolism, and in traditional story-telling, and were offered in worship. They were regarded as insignia of functions, and were buried often, in vast quantities, with the dead.

Basketry, including wattling, matting and bagging, may be defined as the primitive textile art of the Indian. Nearly all the series of North American textile plants are included in the material for basket-making. They knew the time and seasons for gathering, how to harvest, dry, preserve and prepare the tough and pliable parts for use and to reject the brittle and in a way to combine different plants with a view to the union of beauty and strength in the product. A multitude of dyes were known, and by their use designs pertaining to Indian mythology were woven into the baskets. Many styles of weaving were used according to the design portrayed and the use of the basket.

Tanning was an art which the Indians skillfully mastered. The flesh was removed from the hide by a small iron tool with teeth, and the hair taken out with a little pick. The skin was made soft and pliable by rubbing it with the brains of the animals. The treatment applied to the skin in tanning made it very durable and gave it a beautiful soft texture. The only undesirable feature was the peculiar odor. Indian garments were practically all made of skins combined with bead work. The Indians on the reservations, unfortunately, became lazy and bead work is now practically a lost art.

Montana Indian Reservations

By the year 1876 the Indians of Montana were almost all herded on reservations. From the summit of the Rockies eastward to the Dakota border, all the land north of the Missouri and Maria's was reserved for the aborigines. This region comprised 41,330 square miles and held about 7,200 Assiniboines with 6,500 Sioux and Gros Ventres in the plains of the eastern portion, whose agency was at Fort Peck.

A sample of how unkindly, unrepresentative legislation may operate is shown by the following extract from the Blackfoot Agency report:

"The order issued by the Department forbidding the sale of breech-loading arms or ammunition to these Indians has caused some distress and dissatisfaction. Nearly all the men are armed with a Winchester carbine and have no other gun or means to purchase a muzzle leader. They have not used the primitive bow and arrow for many years, most of them never, so that the order is very hard on them, by depriving them of means to hunt, and also by placing them at the mercy of their northern foes, who can and do obtain all they want from traders living north of the British boundary line." (He informed the chiefs of the prohibition and told them to inform their people.) "A few days previous to my telling them this, a young Piegan traded a carbine and some ammunition to an Assiniboine for a very fine horse, which he desired to retain, but the chiefs compelled him to take the horse back and recover the gun and ammunition, which he did." The Blackfeet were still (1876) living on buffalo meat and had not started to farm.

The Fort Peck Agency was occupied by Gros Ventres, Crows, Sioux and Assiniboines. Under date of September 26, 1876, the agent reported that he had under his charge "branches of the great Sioux family, famed in their past history as the most cruel, wild, and treacherous of all the Indians in the Northwest, and implacable enemies of the whites. In all my intercourse with these Indians I have found them peaceably inclined, tractable, kind, and loyal * * * they complain bitterly of the enforcement of the order prohibiting them from procuring the ammunition necessary in obtaining the wild meats upon which they are expected to subsist the greater portion of the season."

"Upon my arrival here, on the 22nd of April last, I found but few Government supplies on hand, and they were soon exhausted. The spring rains had commenced and as a consequence the Indians were unable to go out on their annual hunt. * * * This misfortune reduced them almost to a state of starvation, and in order to prevent absolute suffering I was compelled to purchase in open market the necessary supplies to relieve their immediate wants."

The few Bannacks who had lived in Madison County, never a large tribe, had been moved into Idaho on a little twelve-mile reservation in the valley of the Lemhi River, which the 200 Bannacks shared with 450 Shoshones and 300 Sheepeaters. There were many other Shoshones in the neighborhood who did not belong to the agency and an accurate count of the Indians off the reservation was impossible.

The Jocko reservation, 2,240 square miles, had been set apart by treaty of July 16, 1855, in the most beautiful part of Montana. Here were gathered 381 Selish (295 of whom had refused to leave their home in the Bitter Root Valley but were reckoned as being on the reserve), 858 Pend d'Oreilles, and 390 Kootenays. Their agent said: "Although a majority still (1876) derive their sustenance from hunting, fishing, root-gathering, *et cetera,* it is gratifying to observe marked progress has been made during the past year in the way of civilization, and that at least a few more have been induced to relinquish a roving life to try the cultivation of the soil."

"The Indians who reside permanently on the reservation and labor for their support may be considered peaceable, but the majority of the young braves who annually visit the northern hunting grounds are regarded as suspicious and cannot be trusted. The inhabitants of the surrounding country have been for years apprehensive of an Indian war, and the greatest alarm prevailed after the news of the Custer calamity that these Indians would form a combination with the non-treaty Nez Perces and others and make war. As nearly all the young Indians had become insolent in their bearing and openly bragged of their ability to whip the whites, I deemed myself justified in telegraphing the Department the necessity for having troops here at this time."

The Crow Agency, from the 107th meridian west, lying south of the Yellowstone River, contained 9,800 square miles with a population of 2,500 Crows. These people had ever been faithful friend of the whites, and during the Sioux war had fought with the whites. Their agent complained of the trespasses of hunters and wolfers, who "are in the habit of going to those parts of the reservation where game is found in the greatest abundance and poisoning the carcasses of buffalo and deer for the purpose of killing wolves in large quantities; this not only destroys the animal whose fur brings the largest profit but the Indians believe that it drives other game away."

Complaint was also made that white men were bringing in whiskey, much to the injury of the Amerinds.

A lamentable commentary upon the handling of the Indians on the reservation was made by the Fort Belknap Agent in 1886 when he wrote:

"Of their morals perhaps the less said the better * * * when I came here chastity was the rule rather than the exception. A few years later game was practically extinct; then the bounty of the Government was needed * * * but instead the Government gave just sufficient to keep the wolf from the door. They had not yet commenced to depend upon the earth for its bounties. White men were in their country; the soldier had come to stay; the Indian maiden's favor had a money value, and what wonder is it that, half clad and half starved, they bartered their honor, never very refined, for something to cover their limbs and for food for themselves and their kin."

The following table will show the decrease in the numbers of reservation Indians. This decrease was partly due to the inability of the Amerinds to endure civilized environment, and partly to the removal of the Indians into separate quarters which made them citizens rather than wards.

	1876	1900	1923
Assiniboines	2,000	1,313	1,400
Blackfeet	7,200	2,085	3,124
Crows	2,500	1,941	1,777
Flatheads	1,629	1,621	2,650
Gros Ventres and Sioux	6,500	1,737	1,961
Crees			479
Northern Cheyennes		1,379	1,417
Total Indians	19,829	10,076	12,808

Captain John Smith of Virginian fame once wrote that if the Indians had not fed the little settlement at Jamestown, the whites would have starved. When Lewis and Clark made their famous expedition through Montana, they found the aborigines friendly. The Flatheads made a boast that they had never gone on the war path against whites; they repeatedly showed kindness to the white settlers in the Bitter Root Valley.

Time after time the Indians were deceived into giving up, without a struggle, their best hunting lands in exchange for tawdry presents. When the Red Man was more powerful than the whites, chicanery was employed to rob him; when he weakened under the alcoholic liquors and the foul diseases which the whites brought him, then force was employed to crowd him ever backward until an Indian reservation meant land on which white men did not care to live. The Indians so faithful in keeping their own pledges could not believe that the whites did not intend to carry out their commitments in full good faith. So it took many broken treaties to teach the Indian to rely on force or flight rather than white man's promises. The stories told of the United States generally in Helen

Hunt Jackson's sad little book "A Century of Dishonor" had many counterparts in Montana.

Fur traders were, at first, kindly received. But the Indians soon discovered that the traders did not give a fair exchange; that white men brought serious diseases among them; and that the spirituous liquors distributed by the traders destroyed the mind as well as weakened the body. Again, the Red Man soon learned that the white traders were sometimes hostile to one another, and certain whites made it advantageous for Indians to destroy other whites.

Just as an American community is unable entirely to control its criminal elements so the leaders of Indian society found it impossible at certain times to control its ill-disposed members. But white men did not ordinarily take this into consideration and often took wholesale vengeance for individual wrongs.

CHAPTER II

THE GEOGRAPHY AND CLIMATE OF MONTANA

Montana lies in the most northerly tier of states, astride the Continental back-bone. Its northern boundary, the 49th parallel, if extended eastward would run more than a hundred miles north of Quebec. Its southern boundary, the 45th parallel, is the same parallel which forms the northern boundary of New York State. From north to south, it extends 275 miles, and in the western portion, where the main range of the Rockies falls thirty-five miles below the 45th parallel, the north and south distance exceeds 310 miles. Almost 3,000 square miles of Montana land lies in that loop formed by the crest of the Rocky Mountains running south of the 45th parallel. The State of Montana extends east of the Bitter Root Range 550 miles to the Dakota borders. Thus the State has an area of 147,182 square miles, of which 796 miles is water surface. The State of Montana is out-ranked in size among the states of the Union only by Texas and California. New York, Pennsylvania, Ohio, and Maryland could all be included in its borders; it is larger than the British Isles, about three-quarters the size of Germany, and two-thirds the size of France.

The western third of Montana west of an imaginary line drawn north and south through the city of Great Falls, let us say, is mountainous. The broad valley of the Bitter Root is formed between the Rocky and Bitter Root ranges. Likewise between these ranges lies the largest body of fresh water, outside of the Great Lakes, in the North American Continent, called Flathead Lake from the Indians who were found near its borders. This lake is 33 miles long, 15 miles wide and covers an area of 360 square miles. Of its several islands the largest is Wild Horse Island. On Melita Island the Masonic order holds an annual State reunion largely attended. On the islands and shores of this beautiful lake are many pleasure resorts and private cottages. When the Flathead Reservation was divided in 1910 among the Indians to be held in severalty there was sufficient land left over to furnish many whites with cottage sites around the lake.

"There lies in one of those ravines," wrote Helen Fitzgerald Sanders,[1] "Lake Angus McDonald, of particular interest not only on account of its wild beauty, but because it perpetuates the memory of one of the strangest and most romantic figures of the old West. Angus McDonald was a full-blood Highland Scotchman who came to this country in the employ of the Hudson's Bay Company. His work took him into the region of the Selish, and under the influence of the primeval land and its people he married an Indian woman, raised a family of robust sons, one of whom, Duncan

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[1] *Overland Monthly,* 54:126.

BOULDER FALLS NEAR BIG TIMBER
The "Laughing Water" of Montana

McDonald, is famous among the Indians today, and himself adopted the language, garb, and manners of the tribe. He was a lover of extreme liberty in thought; therefore the unrestrained freedom of existence with these simple folk appealed to him and their picturesque paganism likewise found a responsive chord in his fancy. He was, indeed, something of pagan himself. He believed in the transmigration of the soul, and he was often heard to say that when death closed his mortal career, he desired to become a wild, white horse with free range over boundless plains.

"Considering the character of the man, his leonine strength and defiantly primitive life, it seems peculiarly fit that a lake, remote from the beaten path of civilization, presided over by a glacier-bearing peak, should do honor to his memory, rather than the conventional monument of stone. There, within that deep-worn cleft in the mountain's heart, hemmed in by luxuriantly green banks, the lake lies cold and passionless and clear—and there is about it a brooding silence as of death, broken only by the desolate cry of the loon or the evasive sighing of the wind among the pines. On the crags and needle-sharp pinnacles above, mountain goats and bighorn sheep pick their precarious way, and hidden safe from human sight, the mountain lion crouches in his lair. Such is Lake Angus McDonald, and if it be that the shade of man returns to visit his mortal abode, surely sometimes in the dark security of night a wild, white horse with noiseless tread may pass like a fleeting moonlight shape and vanish into mist."

Within the fastnesses of Sin-yal-min, as the Mission range was known to the Selish, lies Lake Saint Mary's, named by De Smet. The Indians called this lake, "The Waters of the Forgiven," and have a weird tradition of murder and expiation. They believed the lake to be enchanted and within its deep waters mermaids lured the careless brave to his destruction. "If, perchance, a brave venture out in his canoe upon those treacherous depths, the sirens rise with seductive song and deadly caress, drawing him downward in their strangling embrace. Or if an Indian camp alone upon those shores, the sirens glide forth decked with narcotic, poison sweet water flowers, and leaning over his prostrate body, like vampires, drink in his breath until he dies."

Father De Smet was probably the first white man to look upon Flathead Lake who left a record of his visit. The Lewis and Clark expedition passed far to the south of this region. Of his visit to Flathead Lake, De Smet wrote: "They wished to escort me to the entrance of the large Flathead lake, with the desire of giving me a farewell feast; a real banquet of all the good things their country produced. The warriors had gone on ahead and dispersed in every direction, some to hunt and others to fish. The latter only succeeded in catching a single trout. The warriors returned in the evening with a bear, goose and six swan's eggs. *"Sed quid hoc inter tantos?"*[2] The fish and goose were roasted before a good fire, and the whole mess was soon presented to me. Most of my companions preferring to fast, I expressed my regret at it, consoling

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[2] "But what are they among so many?" John 6:9.

ICEBERG LAKE

them, however, by telling them that God would certainly reward their kindness to me. A moment after we heard the last hunter returning, who we thought had gone back to the camp. Hope shone on every countenance. The warrior soon appeared laden with a large elk, and hunger that night was banished from the camp. Each one began to occupy himself; some cut up the animal, others heaped fuel on the fire and prepared sticks and spits to roast the meat. The feast which had commenced under such poor auspices continued a great part of the night. The whole animal, excepting a small piece that was reserved for my breakfast, had disappeared before they retired to sleep. This is a sample of savage life. The Indian when he has nothing to eat does not complain, but in the midst of abundance he knows no moderation. The stomach of a savage has always been a riddle to me.

"The plain that commands a view of the lake is one of the most fertile in the mountainous regions. The Flathead River runs through it and extends more than 200 miles to the northeast. It is wide and deep, abounding with fish and lined with wood, principally with the cottonwood, aspen pine and birch. There are beautiful sites for villages, but the vicinity of the Blackfeet must delay for a long while the good work, as they are only at two days' march from the great district occupied by these brigands, from whence they often issue to pay their neighbors predatory visits. A second obstacle would be the great distance from any post of the Hudson's Bay Company; consequently the difficulty of procuring what is strictly necessary. The lake is highly romantic, and is from forty to fifty miles long. Mountainous and rocky islands of all sizes are scattered over its bosom, which present an enchanting prospect. These islands are filled with wild horses. Lofty mountains surround the lake and rise from its very brink."

To the northeast of the beautiful country thus described by Father De Smet lies a wild and wonderful region. Here the Rocky Mountains rise to their most rugged heights and furnish a home for wild animals driven from their ancestral haunts by white men. Here great ice caps slowly creep down the valleys, reminding the traveler of the Glacial Age which in the far distant past scooped out the basins of the Great Lakes and gave shape to much of the Mississippi basin. And here the United States federal government set apart one of its greatest playgrounds.

Glacier National Park

The most majestic scenery in Montana is to be found in Glacier National Park, a region of 1,500 square miles, set apart by the Federal Government as a National Playground in 1910. Here may be found scenery superior to the European Alps. This Park lies in northwestern Montana along the main range of the Rocky Mountains, extending from the Canadian boundary southward. From the rugged crest of the Continental Divide its eastward slope stretches away to the edge of the great plain, and it is fronted on the west by the dense forests of the Flathead Valley. Although its highest peak, Mount Cleveland, reaches only an elevation 10,346 feet, the range has all the appearance of a much more lofty elevation, for its timber line is low and its upper slopes reach far into the snow and glacier laden, Arctic-Alpine zone. The steep, jagged flanks are deeply furrowed by ancient glaciers and the old glacial troughs are now filled by the long deep lakes of wonderful beauty. "Some of the smaller lakes are still milky from the grinding of the glaciers above them, but those farther from the ice throw back from transparent depths the deepest shades of blue and green. The long lake valleys on both sides of the range extend out between rib-like lateral ridges almost as high and rugged as the dorsal crest of the range. In fact, some of the highest peaks rise from these lateral ridges, while the main divide has been eaten through by the ice in notches that serve as the only available passes for present trails and future highways."[3]

"The tilted and heavily stratified shale, limestone, sandstone, and argullite, which make up a great part of the range have given striking contrasts to the configuration of the Park. Great cliffs and terraces, sharp peaks and jagged walls on one side and shelving slopes on the other render many of what seem to be unattainable heights from some points of view quite possible of access from other points. Faint trails of mountain sheep and mountain goats may be found threading the narrow shelves and niches to the tops of many of the highest peaks, but some are too precipitous for even these skilled climbers. The lower slopes of the mountains are generally covered with soil, slide rock, or morainal deposits, in each case, with such growth of vegetation as the depth of soil will support. The valleys and basins are rich and fertile, as is shown by dense forests and brilliant flower gardens."

Foaming streams are supplied from the great banks of melting snows which lie in the crevasses of the rocks. Glaciers, too, slowly melt into flower-banked rivulets while their slow motion grinds rocks into the finest silt. Numerous springs and the seepage of ground water adds to this flow of fertilizing water, supporting an abundant and varied plant life in the meadows.

Temperature, light and shade, moisture, depth and quality of soil, wind and fire have all had their effect in arranging the present vegetation of the region. Fortunately, the destructiveness of forest fire has not here been extensive, and the grazing of domestic stock has not marred the virginal beauty of the meadows whose delight is one of the striking features of the Park.

"The flowering of one set of plants after another spreads clouds of color over the meadows and open slopes, where on one day a golden glow of dog-tooth violets holds the eye, and a week later the creamy white of the west-wind flower is seen, only to be followed in rapid sequence by the delicate purple of the vetchling and the deep blue of the gentian; and so on until the short summer is over." Each dominant flower has its variations of shape and color filling every corner; and each different type of soil has its own groups, from beds of purple and creamy heather above the timberline down to the tall white globes of beargrass on the lower reaches. As the climber descends to the timber belt his eye is gladdened by the white stars of the pine lily and single-flowered wintergreen with their underground of mitrewort and lacy *Tiarella*. Here variety of color is introduced by the purple and white pyrolas, scarlet painted-cups, magenta and yellow monkey-flowers, and occasionally some rare and exquisite wood orchids.

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[3] Vernon Bailey, *Wild Animals of Glacier National Park*, Washington, 1918.

The forest consists principally of the close-packed growth of lodge-pole pine, a very useful tree which in all parts of western Montana has furnished the miner with the mining timber. Engelmann spruce is also found in many areas of the Park, while alpine fir in some parts forms the dominant growth. Hemlock, cedar, yellow pine, and tamarack, as well as the western variety of white pine are abundant. On the timber-line, where fierce winds and heavy snows combine with shallow soil to dwarf the growth of any vegetation, the scrubby white-bark pine, the sub-alpine fir, and the Lyell tamarack struggle for existence.

On the lower levels, one sees Douglas fir, limber pine, white fir, and juniper. Near the streams white birch, brown western birch, mountain maple and alders with larger shrubs form the thickets which make wading-boots necessary for the trout angler.

BEAR TOOTH MOUNTAIN

Flowering shrubs of many varieties form an undergrowth in the forests. Here are to be found the syringa, ocean spray, mountain balm, and meadow-sweet. Among those classed as fruit-bearing are the chokecherry, pin cherry, thorn apple, serviceberry, elderberry, high-bush cranberry, mountain ash, red raspberry, thimbleberry, several species of blueberry, wild currant, and wild gooseberry.

"Even the ferns and club mosses and the real mosses and lichens in great profusion and variety add their touch to the beauty and interest of the plant life of the park as well as to the charm of the forest and the rock shelves and shady cliffs of the mountains, while the least of all the visible plant life, the pink snow, gives a rosy glow to the surface of the snow banks and glaciers."

The zoologist, as well as the botanist, armed with field-glass and telescopic camera, has found abundant diversion in Glacier National Park. In the well-timbered area live many animals both large and small, herbivorous and carnivorous. Among the flesh-eaters are the Canadian lynx, the gray wolf, northern coyote, red fox, marten, Arizona weasel, grizzly bear, black bear, and several varieties of shrew. The herbivores and rodents are represented by moose, elk, mule deer, white-tail deer, red squirrel, flying squirrel, chipmunks, ground squirrels, bushy-tailed woodrat, white-footed mouse, red-backed mouse, Rocky Mountain lemming mouse, long-tailed and big-footed meadow mice, beaver, porcupine, jumping mouse, brown pocket gopher, and snowshoe rabbit.

The ornithologist has been delighted to discover a wide variety of bird life. Birds of prey, water-birds, and songsters are here in great abundance. Loons, ducks, hawks, golden eagle, grouse, wood-peckers, sapsuckers, bluejays, Clark crow and others, cross-bill, siskin, junco, sparrows, cedar waxwing, warblers, water ouzel, winter wren, Rocky Mountain brown creeper, red-breasted nuthatch, mountain chickadee, ruby-crowned kinglets, thrushes, and bluebirds are among those species that have been identified.

The foregoing description applies only to birds of the forest zone. At the timber line another group of bird life is to be observed, in which are the ptarmigan, rosy finches, pippits, and white-crowned sparrows.

The animals of the timber line are the white goats, mountain sheep, hoary marmots, conies, alpine chipmunks, and Columbia ground squirrel.

Among the animals which once inhabited this region but are now extinct were the bison and prong-horn antelope. As late as 1895, the eastern piedmont of the park was whitened with the bones of bison, but as soon as the Great Northern railroad penetrated this region the bones were shipped for fertilizer. The antelope disappeared from this region in the seventies or even earlier.

In 1895 moose were said to be even more plentiful than elk. An old trappr then told the zoologist who was making the survey that for every hundred bear taken in the region there had formerly been five hundred moose and elk shot for bait, and of these there had been more moose than elk. "He acknowledged that he and his partner during one spring's trapping had killed about seventy moose and elk for (bear) bait."

The goats, sheep and deer of Glacier Park are constantly menaced by the attacks of coyotes and mountain lions. Although for many years a persistent effort has been made by both federal and state wardens to eliminate wolves, coyotes, and lions, on account of their attacks upon the game and domestic animals, these flesh eaters are still to be found in sufficient numbers to be embarrassing.

Many of the peaks of the Rockies are still unnamed. Among the highest of the named peaks are; Granite Peak in Park County, 12,850 feet; Silver Run Peak, in Carbon County, 12,610 feet, both in the Beartooth National Forest; Mount Powell, in Deer Lodge county, 12,000 feet; Lone Mountain, Madison county, in Gallatin Forest, 11,194 feet; Electric Peak near Yellowstone Park, 11,155 feet; and Gallatin Peak, 10,976 feet. Much of the mountainous region is unexplored by scientific men. Many of these perpetually snow-clad peaks bear on their sides the remnants of huge glaciers whose melting waters form most beautiful blue lakes set like turquoises in the green meadows.

Mount Stimpson, in Flathead County, sends its glacial waters to three oceans, to the Arctic through the McKenzie river system, to the Pacific through the Columbia system, and to the Atlantic through the Missouri-Mississippi system and to the Gulf of Mexico. The McKenzie system is represented in Montana only by a few small creeks. The Columbia system's main branches in Montana are the Kootenai and Clark's Fork rivers. By far the most important drainage basin of the State is the Missouri with its great tributary, the Yellowstone.

NEAR THE SOURCE OF THE MISSOURI RIVER

Let us trace, first, the Yellowtsone and then follow the Missouri from its sources to the mouth of the Yellowstone.

The Yellowstone Valley

The Yellowstone river has its source in Yellowstone Lake, at an elevation of about 7,000 feet in the National Park some forty miles south of the Montana border. From its head fountains the stream flows nearly north until it bursts through the rim of the basin within which it rises. During the centuries this river has been cutting through the rim it has formed a most spectacular gorge, marvelous for its rugged, precipitous sides and its beautiful coloring.

The Yellowstone River crosses the state line flowing northwest in Park County then it takes a general northerly course until at Livingston, the county seat, it turns eastward. In its eastward journey the river has a northerly trend, and after it passes Miles City it flows more to the north than to the east. A few miles east of the Dakota border it merges its water with the Missouri where the latter crosses the eastern boundary of Montana into North Dakota. The cities of this drainage region, other than those already named, are Billings and Glendive.

The Yellowstone more closely resembles in its physical characteristics the Ohio than any other American stream. Both stream and valley are wholly unlike the Missouri. The latter, with its turbid water and sandy beds, runs over flats and bars in a constantly shifting channel, tortuous and uncertain and in the days of steamboat navigation was a vexation alike to the steersman and to the traveller who had to endure the monotonous voyage. This reference to the muddy waters applies only to the lower reaches of the river. Upstream from Great Falls with the exception where great power dams impede its flow, its waters are as clear as those of any mountain stream. The Yellowstone is always bright and clear except when it is stained by the freshets of its lower tributaries, the Big Horn, Powder River and Tongue River. It runs over a bed of gravel through permanent channels and among thousands of beautiful islands covered with timber.

CASTLE GEYSER

The Upper River after leaving the flank of the mountains is fed by many beautiful mountain streams filled with trout and runs with strong current through a comparatively narrow valley until it is joined by its largest tributary, the Big Horn, which flows in on the south after draining the entire eastern slope of the Rockies from Yellowstone Lake southward to the Platte.

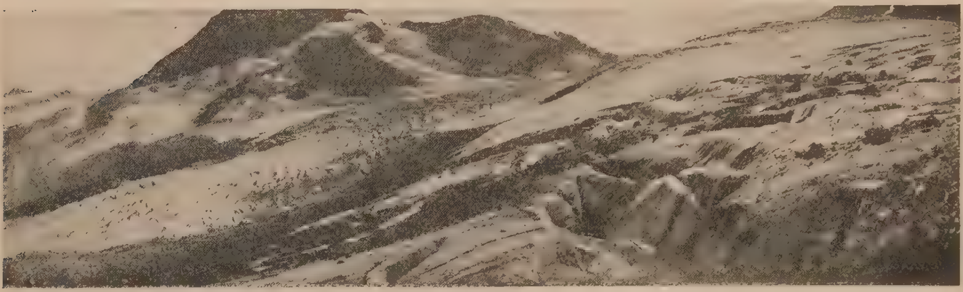
From the base of the mountains to the mouth of the Big Horn, the valley is not broad though very fertile; and itself as well as the hills enclosing it were covered with magnificent grazing when the settlers first began to subdivide it. Since its cultivation began, irrigation has been introduced and excellent crops of grain and vegetables are grown. Thousands of sheep and cattle add their revenue to this rich country. In the vicinity of Billings, many sugar beets are grown, which are ground and refined into sugar in Billings, the lower extremity of the valley.

An early observer of this region wrote: "Along the large rivers such as the Missouri, Yellowstone, Powder and Tongue, grow large groves of immense cottonwood trees interspersed east of the 100th meridian with ash, box elder, and oak. Their valleys are several miles wide with a rich black soil; but immediately back of them, rise singular bad land bluffs 500 or 600 feet high giving a very forbidding aspect to the country to anyone ascending these streams. The bad lands extend back only a few miles, however; climbing up their loose crumbling sides almost without vegetation of any kind, it appears that they form only the escarpment of the tableland. The wash has been so great that all the surface soil has been worn away, exposing a sterile sub soil, seemingly incapable of sustaining any kind of vegetation. The summit of the table land is again of the nature of the country already described—a rolling, grassy plain. I know that this is not an attractive picture; but it is its actual picture to a traveller hastily traversing it. It is only a surface view, however; this apparently dead and sere grass is the richest of pastures. This part of Montana will never form a thickly settled country. The river valleys will all be cultivated and sufficient grain and vegetables will be raised to supply the home demand. Actual experience in the scattered settlements has shown that in some years at least, good crops may be raised without irrigation; but where irrigation is possible, it will undoubtedly be found profitable. The growing season is here much longer than in the mountain valleys. And Bozeman will probably in a few years draw its supplies of tender vegetables and fruits from the Yellowstone, as Missoula and the Bitter Root Valley will supply Deer Lodge and the western slope. Grapes and plums are growing wild in abundance throughout the Crow Reserve, and large orchards are being planted along the north bank of the Yellowstone. Mineral deposits are being found everywhere in the mountains, and since the cessation of Indian troubles, rich discoveries have been made. Coal bearing strata abound everywhere, and the mines are now being worked at Miles City and other places. It is as a stock raising country, however, that eastern Montana is destined to take high rank."

Reference has been made above to the bad lands whose precipitous sides enclose the Yellowstone valley first on one side and then on the other as the river winds from bluff to bluff. The origin and the meaning "Bad Lands" merit explanation as it is due to the misunderstanding of this term that much misconception of the country has arisen.

The country through which flow the Yellowstone and its tributaries as well as the Upper Missouri was in prehistoric ages the bed of a great lake which deposited on its bottom alluvial clays and loams carried in by the streams. This deposit of soil subsided occasionally long enough to allow the growth of heavy forests which when decayed were consolidated under the pressure of other clay deposits. Thus was formed a vast bed of lignite coal which is now furnishing fuel for Eastern Montana. When at last this vast lake found its outlet through the Missouri and afterward the Yellowstone, the wear and wash of the soft strata was very rapid. Accordingly the water courses, especially the smaller ones where the wash has not had time to make broad valleys, are usually found to have very steep banks with high enclosing bluffs, curiously furrowed and corrugated. These cliffs are usually bare of vegetation and show only the bald edges of the rich soil of which they are composed.

The numerous ravines with their precipitous sides thus formed made this a difficult country to pass over with the ponies and travois of the Indians. Accordingly, the Indians spoke of these places as "bad country to travel over." From them the French trappers, the first white men to go in to this country, gave them the same name, "Mauvaises Terres Pour Traverser" which was gradually shortened into the "Mauvaises Terres," and literally translated into the "Bad Lands," a meaning wholly false and not intended by the original term when used as a description of their agricultural value. In fact, the Bad Lands have the very richest of soils full of the elements which make the finest of wheat fields.



GREAT BLACKFOOT GLACIER

Following the river eastward from the Big Horn the next large tributary from the south is the Rosebud, a small stream whose head is found in the Wolf mountains. Next is the Tongue River, also from the south, whose fertile valley was settled with farmers and sheep men in the early seventies. To the east of the Tongue River flows in a rough parallel, the Powder River, so called by the Indians because of its inky black waters, stained by the rich alluvial soil of the Black Hills and the Big Horn mountains.

The south bank of the country was originally claimed by the Crows. Its classic description by Arrapooish, Crow chieftain, is to be found in Irving's description of "Captain Bonneville's Adventures." "The Crow country is a good country. The Great Spirit has put it exactly in the right place; when you are in it, you fare well; whenever you go out of it, whichever way you travel, you fare worse. If you go to the south, you have to wander over great barren plains; the water is warm and bad, and you meet the fever and ague. To the north it is cold; the winters are long and bitter, with no grass; you cannot keep horses there, but must travel with dogs. On the Columbia they are poor and dirty, paddle about in canoes, and eat fish. Their teeth are worn out; they are always taking fish-bones out of their mouths. To the east they live well; but they drink the muddy waters of the Missouri. A Crow's dog would not drink such water. About the forks of the Missouri is a fine country—good water, good grass and plenty of buffalo. In summer it is almost as good as the Crow country; but in winter it is cold, the grass is gone and there is no salt weed for the horses. The Crow country is exactly in the right place. It has snowy mountains and sunny plains, all kinds of climate, and good things for every season. When the summer heats scorch the prairies, you can draw up under the mountains, where the air is sweet and cool, the grass fresh, and the bright streams come tumbling out of the snow banks. There you can hunt the elk, the deer and the antelope when their skins are fit for dressing; there you will find plenty of black bear and mountain sheep. In the autumn, when your horses are fat and strong from the mountain pastures, you can go down into the plains and hunt buffalo or trap beaver on the streams. And when winter comes on, you can take shelter in the woody bottoms along the rivers; there you will find buffalo meat for yourself and cottonwood bark for your horses. Or you may winter in the Wind River Valley, where there is salt weed in abundance. The Crow country is exactly in the right place. Everything good is to be found there. There is no country like the Crow country."

The Missouri Basin

The Gallatin range, between Park and Gallatin counties, separates the headwaters of the Missouri from those of the Yellowstone. When Lewis and Clark first explored this region they found that three creeks, flowing together, formed the headwaters of the Missouri. To the creek flowing in from the west, they gave the name of the President of the United States who had commissioned their enterprise, Jefferson. To the one flowing from the south, they gave the name of the Secretary of State, Madison. To the creek flowing from the east, they gave the name of the Secretary of the Treasury, Gallatin. The town which grew up at the junction was named Three Forks.

After the Missouri leaves Three Forks, it flows in a general northerly direction for more than a hundred miles, receiving the waters of many little creeks which drain the eastern slope of the Main Range and the western slope of the Big Belt. No large town is on its banks in this region. Helena is about fifteen miles southwest of the river, and receives electric light and power from three great dams, one at Canyon Ferry, one at Hauser Lake, and one at Wolf Creek (Holter Dam). The power line runs through Helena to Butte, where it furnishes the energy necessary for the operation of much mining machinery as well as for electric transportation. At Great Falls, near where the river bends to the east, the Black Eagle Falls furnish additional power. The city of Great Falls is at the mouth of Sun River, which drains a high plateau of grazing and irrigated farming lands.

On down stream, the head of navigation is reached at the mouth of the Teton River, where Fort Benton is located. From Great Falls, downstream, the river flows through grassy plains broken by isolated buttes and ranges of hills. About twenty miles below Fort Benton, Maria's River flows in from the north-west, then the Mussellshell comes in from the south, lastly, the Missouri's second largest tributary, the Milk River, empties into it about three hundred miles east of Great Falls.

The Columbia Drainage System

West of the Continental Divide the beautiful streams find their way to the Columbia basin, thence to the Pacific. The Bitter Root range forms Western Montana into a great valley, or, rather, a series of valleys, drained by rivers which form the Clark's Fork of the Columbia. Close to the present site of Missoula the Hell Gate and Saint Mary's River join to form the Clark's Fork. Saint Mary's river is now and has been for many years, known as the Bitterroot, and was also known as the Missoula. This stream rises in the Rockies in several valleys drained by little creeks at about latitude 45 degrees 30′ and longitude 114 degrees. It flows north for eighty miles through an extremely fertile and heavily forested valley, the home of the Selish, and the site of the first white settlements in Montana.

The other main branch, the Hellgate River is formed by Deer Lodge Creek and the the Little Blackfoot. Before these waters reach the city of Missoula the Big Blackfoot enters from the north. These three streams drain a heavy forested region, mostly controlled by federal forests, abounding in big game and fish. Gold was first found in a tributary of this valley.

As the waters of the Clark's Fork, or Missoula, as it has been variously called, proceed down the valley to the sea they are joined from the left by the Saint Regis Borgia River and from the right by the Flathead River, which drains the Mission range. The Saint Regis Borgia Valley now contains the transcontinental highway between Missoula, Wallace, Idaho, and Spokane. It is a wild, rugged country with few settlements to remind the traveler that he is within a civilized region. The road winds through a national forest along the side of great chasms where, hundreds of feet below, the waters are dashed into rocky spray in their rough channel. A branch of the Northern Pacific runs up this valley terminating at Wallace, Idaho, the center of a rich mining section.

The Flathead River drains a valley in which was once located an Indian reservation, opened to settlement in 1910. A part of these lands were set apart for a bison reserve of thirty square miles in 1912. Here hundreds of bison, the only ones which remain within Montana, are to be seen.

The extreme northwestern corner of the State, a densely forested region of few settlements, is drained by the Kootenai River, whose headwaters lie within Glacier National Park.

The Eastern Plateaus

The central portion of Montana is a vast plateau, averaging 3,000 feet in height, gradually sloping from the Belt mountains eastward, in a rough triangle formed by the Missouri and Yellowstone rivers. The Big Belt mountains form the western end of this plateau, slanting along the Missouri River from southeast to northwest. Smith's River arises near White Sulphur Springs and flows northward through the valley which separates the Big Belts from the Little Belt mountains. The Crazy mountains form a ridge cutting off this "ronde" from the Yellowstone Valley. Smith River Valley is about fifty miles long and twelve to fifteen miles wide. It is a rich irrigated farming land whose wheat, oats, and barley have taken numerous awards. 625,000 acres of National forest lie here. The altitude of its county seat, White Sulphur Springs, of Meagher County, is 5,280 feet above sea level, and a thousand feet higher than the State Capital, Helena.

The Highwood mountains and the Little Belts bound the Judith Basin on the west, separating this county from the Deep Creek Valley. This region, Judith Basin County, was set apart from Fergus County in 1920, with county seat at Stanford. Grains and live stock are its chief products; sapphires are found here in commercial quantity; and timber is produced—one-fifth of the county's 1,894 square miles being in the national forests.

The Mussellshell (formerly spelled Muscleshell) River rises south of the Little Belt and Snowy range, flows east and bends to the north near the 108th meridian, and seeks the Missouri Valley. Within its curve lies a well-watered agricultural region whose metropolis is Lewistown, a place of about 5,000 inhabitants, founded about 1886, but not incorporated until 1899. It is now the center of a flourishing oil industry which promises to make Lewistown one of the large cities of the State.

To the south of the Yellowstone River the Big Horn range gives an elevation to the land, forming a slight drainage divide, drained by the Big Horn River, which enters the Yellowstone halfway between Billings and Miles City. The Big Horn range is a spur of the Rocky Mountains branching northward from central Wyoming. Further east, this plateau is drained northward by the Tongue and Powder rivers. This region is still (1928) devoted predominantly to cattle and sheep raising but irrigation is beginning to produce fine crops of sugar beets, corn, wheat, alfalfa, beans, potatoes, melons, oats, barley, rye, clover, and small fruits. Gallatin County raises and packs a large acreage of peas.

The Yellowstone Valley is divided (1928) into the following counties, where once the Crows roamed unmolested by whites, but in constant warfare with Blackfeet and Sioux. Big Horn and Dawson counties were the original divisions, but as the region was settled, its great extent demanded subdivision. The counties are here named in the order as they lie geographically, beginning upstream: Park, created 1887; Sweetgrass, 1895; Stillwater, 1913; Carbon, 1895; Yellowstone, 1883; Treasure, 1919; Rosebud, 1901;

Custer, 1877; Powder River, 1919; Prairie, 1915; Carter, 1917; Fallon, 1913; Wibaux, 1914; and Richland, 1914.

The Forests of Montana

The region west of the Divide is heavily forested and throughout the central portion of the State the growth of timber is heavy. In spite of cutting for fifty years, approximately one quarter of the area of the State is covered with timber, of which about one-half lies within the seventeen national forests.

The annual growth of timber in the State has been estimated at 790 million feet and the total stand (1919) at 58,171 million feet. The annual cut for the five-year period ending 1924 was 341,550,000 board feet, or about half the estimated annual growth.

The sixteen million acres (to be exact, 15,919,690) of National forest are administered by the federal department of agriculture through its forestry service. The District Forester, whose headquarters are at Missoula, directs the work of seventeen supervisors of whom each one is assigned to the control of a forest. Under the supervisors are the forest rangers, scattered in small lodges throughout the forests.

These forests were created under acts of Congress permitting withdrawal of federal lands from settlement in order to protect stream flow and conserve timber. Timber is sold to lumber dealers to the highest bidder. Each live tree to be cut is marked or otherwise designated by a ranger and the cutter is required to dispose of all brush and other waste, leaving the forest clean. Farmers can buy timber at the cost of administration and thousands of Christmas trees are given away each year, as well as much dead and down timber valuable only for firewood.

Grazing permits for livestock are issued. In 1925, 156,000 cattle and horses, and 565,000 sheep were grazed in Montana federal forests, yielding a revenue to the Forest Service of $134,000. Of this revenue, 25 per cent is return to the counties in which the forests are located to be used for roads and schools. An additional ten per cent is used for the maintenance of roads and trails in addition to the Federal appropriations for this purpose.

One of the important duties of the Forest Service is the maintenance of nurseries and reforestation. The Savenac Nursery at Haugan is said to be the largest Forest Service nursery in the United States. It produces annually three million young trees, sufficient to restock 4,000 acres.

If fire is kept out, the lands reseed naturally. But forest fire is the ranger's greatest enemy. Lightning, cigarette smokers, and careless campers cause the loss of millions of feet of standing timber. From 1908 to 1924 three million acres were burned over, causing a loss of ten million dollars' worth of lumber. In addition, the cost of fighting these fires was $3,500,000.

State and Federal game reserves occupy nine per cent of the area of the National Forests, but the remainder is open for hunting and fishing. An estimate is made by the rangers of the number of wild animals within the National Forests and the latest report (1928) indicated the presence of 52,300 deer, 10,900 elk, 1,160 moose, 1,880 mountain sheep, 4,000 goats, 5,400 black bears, 400 grizzlies, 570 antelope.

The National forests are located as follows:

Forest	Headquarters	Net Area
Absaroka	Livingston	851,046 acres
Beartooth	Billings	660,112 acres
Beaverhead	Dillon	1,339,172 acres
Bitter Root	Hamilton	1,047,071 acres
Blackfeet	Kalispell	832,566 acres
Cabinet	Thompson Falls	829,653 acres
Custer	Miles City	517,703 acres
Deerlodge	Butte	828,834 acres
Flathead	Kalispell	1,719,112 acres
Gallatin	Bozeman	581,002 acres
Helena	Helena	682,482 acres
Jefferson	Great Falls	1,040,310 acres
Kootenai	Libby	1,351,165 acres
Lewis and Clark	Choteau	810,731 acres
Lolo	Missoula	851,249 acres
Madison	Sheridan	953,456 acres
Missoula	Missoula	1,024,026 acres
Total		15,919,690 acres

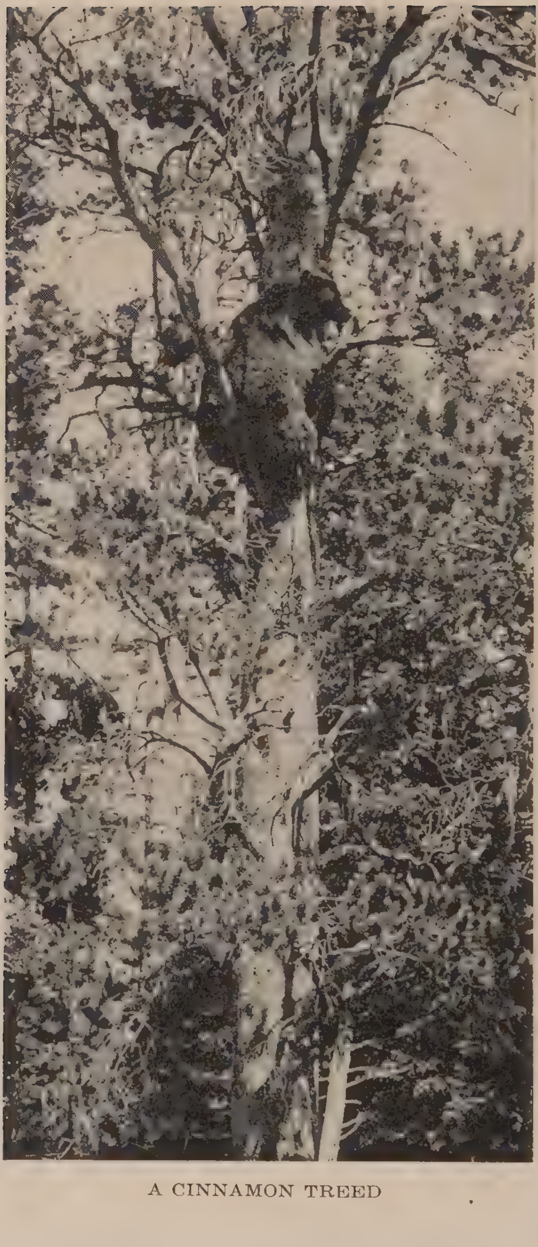
In addition to the National Forests, the State of Montana has reserved more than half a million acres of forest land.

Stillwater State Forest	90,000 acres
Swan River State Forest	42,000 acres
Coal Creek State Forest	20,000 acres
Sula State Forest	10,000 acres
Thompson River State Forest	14,628 acres
Clearwater State Forest	18,076 acres
Lincoln State Forest	8,245 acres
Total of Established State Forests	203,949 acres
Forest Sections Scattered Throughout the State	363,000 acres
	566,949 acres

Game and Game Preserves

The hundreds of remote spots among the mountain peaks of Montana have enabled much game to maintain itself in spite of continued hunting for many years. Elk, deer, mountain sheep, mountain goats, bears, cougars, bob-cats and numerous small fur-bearing animals are to be found among the mountains. Wolves and coyotes are numerous in the foot hills and in the prairies. Game, birds and wild fowl are plentiful in all parts of the state and the streams are stocked with game fish.

Owing to the relentless hunting by the Indians pot-hunters and hide hunters, the bison, antelope, and moose have practically disappeared. There are no more wild bison; but a few moose and antelope, which have increased their numbers under the protection



A CINNAMON TREED

of the Federal Government and the state, are to be found in the game preserves and forest reserves. On account of the ruthless slaughter of the moose and antelope it has been found necessary to protect these beautiful animals; the same is true of the bison. It has been unlawful for many years to kill at any time moose, bison, buffalo, caribou, antelope, big horn sheep, and mountain goats. Hunting of all other big game is allowed in season subject to the provisions of the game laws. The open season varies in its extent in the various districts of the state, the dates for opening and closing the season being under the control of the State Game Commission.

There is no closed season on the predatory animals among which are classed bears, wolves, coyotes and cougars, or mountain lions. Bear are much sought during the months of April, May and June when their fur is at its best. Both the black bear and the grizzly are found in large numbers, particularly in the counties adjacent to the Yellowstone National Park on the south fork of the Flathead and Swan rivers, and generally in the Northwestern corner of the state. Very little damage is being done today in Montana by the large grey wolf. The cougar, or mountain lion, has also been put under control to a great extent. Some areas have been practically rid of the lions by the work of the hunters of the predatory animal control department of the Bureau of Biological Survey. Depredations of coyotes have been eliminated in many parts of the state by poison in the sections where coyotes have killed many deer, and reports show that there has been a great increase in the number of deer since this work was initiated. Many stock ranges, especially the sheep ranges, have been taken care of by similar work. The funds for carrying on the destruction of the predatory animals are raised by the Fish and Game Commission, the Live Stock Commission and the Federal government. These groups work in cooperation with each other by employing and sending these hunters into live stock localities where predatory animals are preying on live stock or game animals.

The jack rabbit while not ordinarily considered a game animal furnishes much sport, and a considerable revenue is derived from its skin which is made into imitations of several kinds of more valuable fur.

The plentiful water fowl furnishes opportunity for much sport. Some of the northern lakes are nesting places for geese and ducks, and as Montana is situated on the route of the flight of the birds from Canada to their southern feeding grounds large numbers of ducks and Canadian geese stop in the State to feed in the grain fields and usually remain for about three weeks in the fall. The snow goose and the common swan are also found in Montana, the former being quite abundant during the migratory season.

On the prairies and in the forests many kinds of game birds are available. Some are protected throughout the year, but many varieties can be shot in season. There is a short open season for grouse, prairie chicken, fool hen, pheasant, partridge and sage hen. Among the protected birds are quail, Chinese and Hungarian pheasants, turtle doves, and meadow larks. The sharp-tailed grouse or prairie chicken, is one of the hardiest of the birds, and is particularly abundant along the base of the Rocky Mountains. Other natives of the grouse family are the blue, the ruffled, the Franklin, the ptarmigan, and the sage grouse. All these frequent the timber and underbrush, and, with the exception of the ptarmigan, are abundant in many parts of the state.

There are a number of varieties of game fish in the waters of Montana. Beside the several kinds of trout are to be found the common whitefish, the Rocky Mountain whitefish, the Richardson whitefish, ling, bass, char, and wall eyed pike. The trout family includes the native black spotted, or cut-throat trout; steel-head eastern brook trout; rainbow; mackinaw; and grayling.

BLACK-TAIL DEER

The eastern brook trout was introduced into the state from the east about thirty years ago. It increases rapidly and matures early. The rainbow is a native of the Pacific coast streams and was introduced more recently. It grows rapidly so that six to twelve pound fish are common and frequently attains a weight of over twenty pounds. The Dolly Varden is a native of the mountain streams west of the divide and has been known to obtain a weight of twenty-two pounds. The largest member of the trout family is the lake or mackinaw trout. It is found in the lakes of Teton County. Specimens have been taken weighing forty-eight pounds. The grayling, a beautiful game fish, is a native of the eastern slope of the continental Divide. Montana is one of the few sections of the Union where this fish is found. These fish are great fighters and are much sought by sportsmen. Effort has been made very recently to plant sock-eye salmon, obtained from Washington fish hatcheries.

Montana has had a fish and game law which conserves the wild life, since January 2, 1872. A state game and fish commission created by the Legislature under the act of March 14, 1895, has charge of the enforcement of this law and has been doing much to perfect and propagate both fish and game. The expense of the maintenance of the warden and his deputies as well as the fish hatcheries are met from the receipts of game licenses, confiscated game and weapons, and from fines for the violation of the law. The commission maintains a fish car which is sent to all parts of the state to distribute the millions of fry produced by the fish hatcheries. The commission has also stocked game on the different reserves and has distributed the eggs of pheasants to farmers for hatching.

There are fourteen state fish hatcheries. One at Anaconda on Georgetown Lake, one at the Hebgen Reservoir on the Madison River, one at Somers on Flathead Lake, one in Park County at Livingston, one at Missoula, Hamilton, Meadow Creek, Kilbrennan Lake, Columbia Gardens, Big Timber, Emigrant, Ovando, Lewistown, Red Lodge, Ronan Lake and Great Falls. The Federal Government maintains a hatchery at Bozeman in Gallatin County. From these hatcheries many millions of trout and grayling are sent out annually to supply the streams and lakes. This supply is augmented by private hatcheries. There are (1928) thirty-three game and bird preserves in the state which greatly aid in maintaining the wild life.

The Climate of Montana

Montana is commonly thought of throughout the United States as a very cold region. This undeserved reputation is partly due to the knowledge of its high latitude, and the erroneous assumption based thereupon that a region lying so far north must be cold; and partly due to the unfortunate location, climatically speaking, of the City of Havre, a pleasant little town on the Milk River near the central part of the state on an east and west line, within forty miles of the Canadian border. In the winter time, Arctic storms sometimes sweep down the broad plain lying east of the Canadian Rockies and bring the thermometer for a few days to a point as low as 40° below zero, Fahrenheit. But this low temperature is unusual, and even this cold, since it is a very dry cold, it is not as trying as the humid cold of New England. Occasionally, but rarely, the entire state has a cold winter. In January, 1916, the average of the temperatures recorded throughout Montana was —0.7° (seven-tenths of a degree less than zero) ; such a record is without duplicate in the state. On the other hand the January of three years later showed an average temperature of 29.2.°

In general, the eastern and northern plains of Montana record a higher temperature in summer and a lower temperature in winter than the mountainous regions. Thus, the average January temperature at Havre is 12.5,° while that of Helena is 20.3.° Havre's July temperature is a degree higher than Helena's; Glendive's July temperature is a 72.2,° while Missoula's is 66.8.° At Billings and Helena the average temperature is below freezing from December to February. In summertime the temperature of Montana averages about 70°; a temperature of 90° is very unusual. In some of the warmer portions of the state corn may be depended upon to ripen satisfactorily.

For many years, Montana was said to be a part of that mythical "Great American Desert." The eastern plains are not as well watered as the Pacific slope of the Rockies, but the average rainfall, when properly conserved, is sufficient to enable farmers to make a prosperous living. The dryest weather station is at Three Forks, in Gallatin County, whose average rainfall is 10.33 inches a year, in a region where mountain snows can be depended on for irrigation purposes. The next dryest is at Chester, in Liberty County, where the average precipitation is 10.5 inches. The dampest weather stations are at Heron, in Sanders County (average 31.9), and Haugan, in Mineral County (average 27.87). The amount of rainfall yearly does not make as much difference to agriculture as does the time of year when it falls. Montana is fortunate in receiving most of its precipitation in the growing season, the wettest month being June, and the dryest November.

The mountains cause the rain-bearing clouds from the Pacific to deposit their burden on the western slopes, hence the large timber areas of Montana are to be found west of Helena. Those grassy eastern plains, watered by the spring rains, now give food to cattle where once reigned the lordly buffalo.

The best summary that can be made of Montana's climate is perhaps a list of its products. Apples, sour cherries and strawberries are produced on the Pacific slope; wheat, flax, potatoes and sugar beets are producing values of more than two million dollars each annually. Oats and beans run to a value of one million dollars.

Now we must leave the consideration of the natural features of this wide region and turn to the records left by mankind in his occupation. The exploratory era of Montana's history was closed by 1840. Trapping began early in the nineteenth century, and, though the volume has diminished, fur-production is still a source of wealth to Montana. Mining of gold began in the Civil war times, and still, with many other metals, continues to produce lavishly. Then came the cattle industry, then the sheep-raising, then agriculture. There are many indications that the production of coal and petroleum will soon take precedence over all other sources of Montana's wealth.

CHAPTER III

THE ACQUISITION OF THE SOIL OF MONTANA

The diplomatic history of Montana involves the discussion of relations with Russia, Spain, France and Britain, all four of which have claimed the sovereignty of the territory. Since the Rocky Mountain Divide was an international boundary prior to 1846 the diplomatic history must be traced for the two regions separately. Western Montana was once a part of the Oregon Country and Eastern Montana was once the soil of Louisiana.

The Acquisition of Louisiana

French adventurers in search of furs made several temporary settlements north of the Great Lakes during the sixteenth century; that is to say, the French began their colonization of North America during the time Spain was colonizing West Indies and Mexico; both French and Spanish colonizations taking place in the century prior to the earliest English settlement.

Governór Champlain, under the warrant of Henri IV, founded the citadel of Quebec as the capital of the French North American possessions in July, 1608, and devoted much of his time to exploring the region north and northwest of the English settlements. Various motives led France to desire the subjugation of this vast wilderness. The King of France, who had recently been elevated to that eminence from a dukedom, was eager to add to his domain; the church longed to turn the savages to the true religion; the mercantile classes saw a great opportunity for wealth in the fur trade; and young gentlemen in whom the lust of adventure burned turned eagerly to the new France in search of those new experiences which mean so much to the youth of all nationalities.

About sixty years after the founding of Quebec, Marquette and Joliet became active in explorations of the Mississippi Valley. On the 9th day of April, 1682, Robert Cavalier de La Salle claimed the land drained by the Mississippi for his sovereign, having descended that river to its mouth, and named the country Louisiana in honor of his King Louis XIV, the most brilliant and powerful ruler France has ever had.

While this incident was the first formal claim of any European state to the sovereignty of this region, which was made good by later settlements, it was only made after Spanish subjects had made a similar claim for their own sovereignty. The first civilized men to explore the Mississippi were probably a Spanish group under Alonzo de Pineda, who called it Rio de Espiritu Santo[1]

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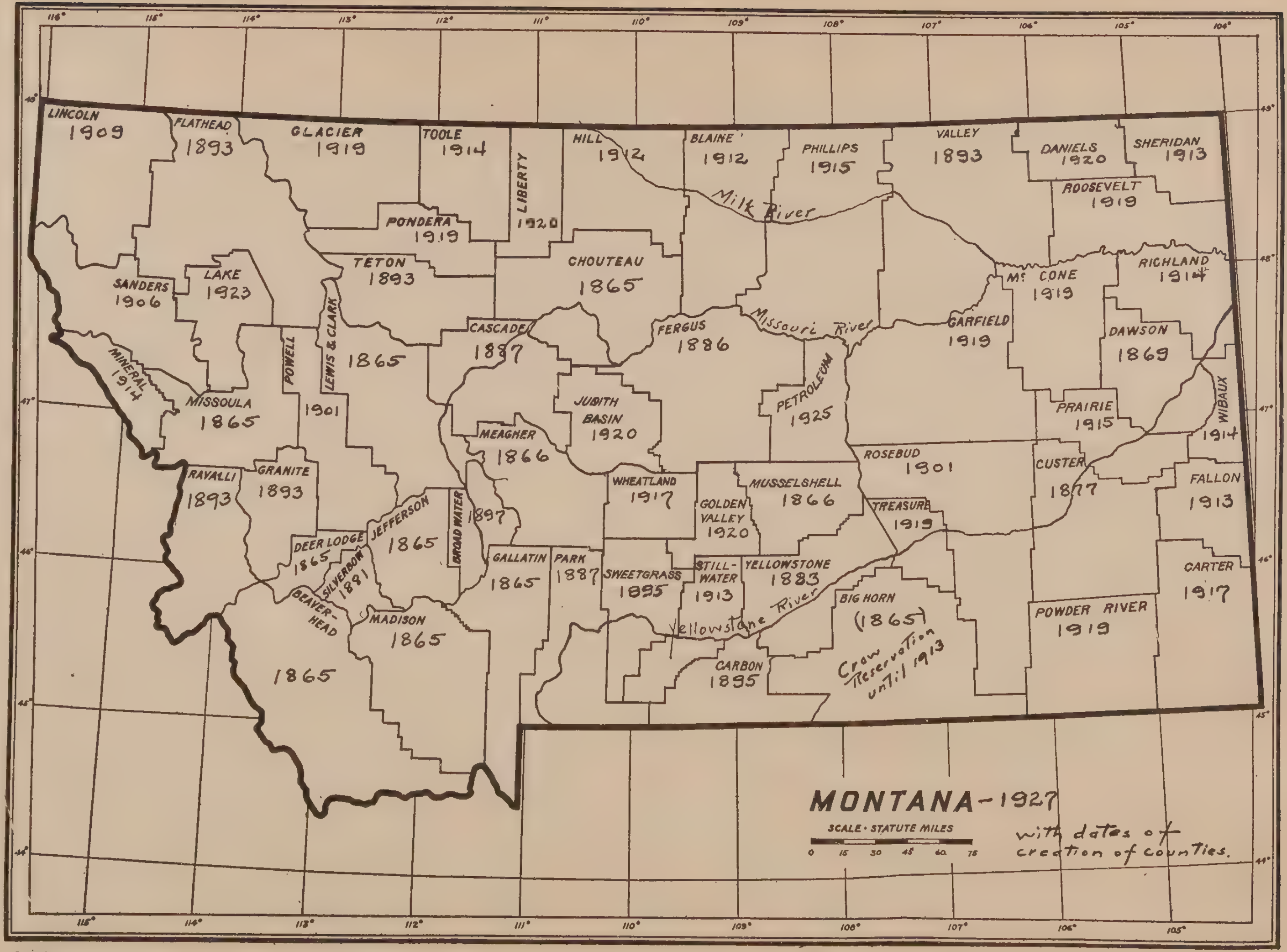
[1] The pious name which the Spaniards gave to this river calls to mind the interesting comments made by Father L. B. Palladino, S. J., on geographical nomenclature. "This allusion is prompted by comparing the noble, elevating names bestowed by the messengers of Christianity with those given by the Yankee, the frontiersman, the gold seeker and the adventurer * * *


MONTANA-1927
with dates of creation of counties.
SCALE · STATUTE MILES
0 15 30 45 60 75
LINCOLN 1909
FLATHEAD 1893
GLACIER 1919
TOOLE 1914
LIBERTY 1920
HILL 1912
BLAINE 1912
PHILLIPS 1915
VALLEY 1893
DANIELS 1920
SHERIDAN 1913
ROOSEVELT 1919
PONDERA 1919
TETON 1893
CHOUTEAU 1865
SANDERS 1906
LAKE 1923
MINERAL 1914
MISSOULA 1865
POWELL 1901
LEWIS & CLARK 1865
CASCADE 1887
FERGUS 1886
JUDITH BASIN 1920
MEAGHER 1866
PETROLEUM 1925
GARFIELD 1919
MC CONE 1919
RICHLAND 1914
DAWSON 1869
PRAIRIE 1915
WIBAUX 1914
RAVALLI 1893
GRANITE 1893
DEER LODGE 1865
JEFFERSON 1865
BROAD WATER 1897
SILVERBOW 1881
BEAVER-HEAD 1865
MADISON 1865
GALLATIN 1865
PARK 1887
WHEATLAND 1917
GOLDEN VALLEY 1920
MUSSELSHELL 1866
SWEETGRASS 1895
STILL-WATER 1913
YELLOWSTONE 1883
CARBON 1895
BIG HORN (1865) Crow Reservation until 1913
ROSEBUD 1901
TREASURE 1919
CUSTER 1877
FALLON 1913
CARTER 1917
POWDER RIVER 1919
Milk River
Missouri River
Yellowstone River
116° 115° 114° 113° 112° 111° 110° 109° 108° 107° 106° 105° 104°
49° 48° 47° 46° 45° 44°

JAN.1,1924

(1519). Thirteen years later Hernando de Soto was buried in its waters to prevent the Indians accompanying his expedition from becoming aware that Spaniards were mortal.

But the first exploration which informed civilization of this river was that of Jacques Marquette, a Jesuit missionary, who, accompanied in 1673 by an official explorer, Louis Joliet, went downstream to the mouth of the Arkansas and satisfied himself that the great river did not flow into the Pacific as had been erroneously supposed, but into the Gulf of Mexico. Notwithstanding the disappointment at this discovery, Joliet was welcomed at Quebec with his news by Governor Frontenac, whose pioneering instincts saw the possibilities of the empire. Marquette, full of the Christian love of souls which had brought him to America, remained with the naked savages to let in, if possible, the light of the Gospel to their darkened minds.[2]

So far as the French Empire was concerned, the greatest contribution of the two explorers was the interest created in Robert La Salle. The Society of Jesus by its ambitious schemes of making Christianity a militant force throughout the world had early attracted his loyalty. But his cold, domineering nature did not take kindly to the discipline of the order, so, on his petition, he was released from its three vows. In his later years in Canada he became a valiant enemy of the order, for its missionaries condemned his demoralizing liquor traffic, which fur-traders thought inevitable. And La Salle wanted furs as badly as the Jesuits wanted souls.

In 1674, La Salle secured a royal commission for the development of Fort Frontenac and, later, another one for the exploration of the Mississippi Valley. Financing was not easy for this intrepid pioneer, his agents robbed him, his creditors not only tried foreclosure, but also defamed him, and commercial and political enemies multiplied. In spite of these difficulties La Salle

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confining ourselves to Montana, take for instance the following, not to mention the more vulgar ones: Grasshopper, Boulder, Horseshoe, Prairie dog town, Dead Horse, Dry Gulch, Crow's Nest and the like. How trivial and insignificant are these when compared with the dignified and inspiring appellations supplied by religion! * * * We simply observe the names which religion bestows are usually taken from superior beings deserving of special honor and capable besides, of requiting any homage that may be paid to them; that is to say from angels and saints. * * * Whence appears at once that to call an object an angel's or saint's name is actually to interest those heavenly beings in its behalf. * * * From these simple reflections, one can easily see how much religion contributes to the cause of men's welfare and progress, by nothing more than calling things, places and persons by her own name."

[2] One of the things Marquette reported from this journey was the painting of two monsters of the Piasa bluffs of the Mississippi in the Illinois country close to the mouth of the Missouri. These monsters were the size of calves "with horns on the head like a deer, a fearful look, red eyes, bearded like a tiger, the face somewhat like a man's, the body covered with scales, and the tail so long that it twice makes the turn of the body passing over the head and down between the legs, and ending at last in a fish's tail." The painting was done in a most inaccessible place in pigments of green, red, and black. How it was done, the Indians never revealed,—they regarded the delineation with dread.

found heart for his greatest adventure, the wider exploration of the Great River. In August of 1681, with a company of thirty French and a hundred Indians, with his friends Tonty and Membre, he plunged into the wilderness and on February 6th entered the Mississippi, which was then known to the French by the name of Colbert, having been so named for the great minister of France. On March 9, he made his first formal claim to the region, and a month later, at the mouth of the river, repeated it with more elaboration. Returning, La Salle suffered from hostility of the natives, lack of food, and, finally, a forty days' siege of fever. But the Mississippi belonged now to France, in spite of the steadily increasing British traders among the Indians of the Great Lakes.

When La Salle told the story of his adventures to King Louis XIV in person, he was rewarded by an authorization to found colonies in the new province, to govern the country from Lake Michigan to the Gulf of Mexico, and was assisted with four ships and nearly four hundred men. Now he could go to Louisiana in a style worthy of a viceregent for Louis XIV, the Sun King. Having sailed from Rochelle July 24, 1684, misfortune again soon overtook him. He quarreled with Beaujeer, captain of the principal vessel, the Spanish captured one of the ships, and the other three, running true to the proverbial French seamanship, could not find the mouth of the Mississippi. They landed, hard aground, in Matagorda Bay, Mexico (now Texas), 400 miles from their destination, in February, 1685. Many necessary tools had been lost in the wreck. The Indians were hostile, and disease came rapidly from the marshy wilderness. The unfortunate men tried vainly to find the mouth of the Mississippi and the strength of the party was soon dissipated. In January, 1687, La Salle led his party of seventeen half-starved, sick and despondent men across the plains toward Canada, leaving twenty behind as a garrison. On March 19, near the Trinity River, La Salle was shot by mutineers, stripped of his clothing, and his corpse left as food for the wolves. Thus perished the man who won Louisiana for France. His obituary was eloquently expressed by Jontel, one of his lieutenants: "His firmness, courage, his great knowledge of the arts and sciences, which made him equal to every undertaking, and his untiring energy, which enabled him to surmount every obstacle, would have won at last a glorious success for his grand enterprise, had not all his fine qualities been counterbalanced by a haughtiness of manner which often made him unsupportable, and by a harshness towards those under his command, which drew upon him an implacable hatred, and was at last the cause of his death."[3]

For eighty years France ruled Louisiana. During that time the most notable figure was Jean Baptiste, Le Moque de Bienville, governor of Louisiana 1701 to 1713, lieutenant-governor 1713 to 1718, and governor again from 1718 to 1726 and from 1733 to 1743—in all nearly half the time of French sovereignty. During these four-score years Bienville saw much history made in New France. The Natchez, Choctaw and Chickasaw Indians were sometimes chastised and sometime bribed, the honors between the contestants being quite evenly divided. The fur trading industry was prosecuted but metallic wealth was vainly sought after. In 1721, eighty girls from a house of correction in Paris arrived in the charge of three Ursuline nuns, and the civilizing influence of white women began to be felt in more regular family life. Another lot of girls were imported in 1728. International complications added interest, for the Spanish threatened from Florida and Mexico, while English traders strayed over the mountains frequently enough to cause the worry to the French.

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[3] Quoted by R. G. Thwaites in "France in America," from *Journal Historique.*

It was during this time that John Law (1681-1729) of Edinburgh became comptroller-general of the finances of France and invented his wonderful scheme for rehabilitating the fortunes of that much-abused treasury. In August, 1717, the regent of France chartered Law's Mississippi Company with exclusive commercial privilege in New France. The company was pledged to colonize within twenty-five years 6,000 whites and 3,000 Negro slaves. Stock in the company rose to fabulous sums in an orgy of speculation, but in 1720 the boom collapsed, spreading financial ruin in France, and thus ended the first, unfortunately not the last, speculation in the West.

Frenchmen have not shown a genius for colonization and Louisiana was no exception to the rule. Although the paternalistic and autocratic government tried hard to build an indigenous French population, the net result was only a few hundred families and a few thousand people in all that great territory. Bounties were paid to immigrants and for large families; maids were brought in to wed the superabundant bachelors; the unmarried of either sex were ostracised—and yet the population increased but slowly. The Christianization of the natives was a no more encouraging and fruitful effort. Financially, Louisiana cost more to defend and govern than it returned to the royal coffers. In short, Louisiana was a colonial failure.

Then came the disastrous Seven Years war with England, during which it became apparent (with the fall of Quebec in 1759) that the American empire of France was doomed. In the negotiations which followed the war, France ceded the holdings east of the Mississippi, except the City of New Orleans (founded by Bienville in 1718) and Canada, to the British. The Province of Louisiana was ceded to Spain without consideration. The Spanish sovereign objected to the idea behind the word "cession," claiming that the French occupation was not their sovereign right but was merely by grace of his cousin's gift and apologized to his Council of the Indies for taking it, saying that the Mississippi River was a desirable boundary between his possessions and the English, for, said he, the English might try to claim and occupy Louisiana, which did not have a good natural boundary between it and Mexico.

At the close of this war the population of Lower Louisiana was about ten thousand; in the Illinois Country, i. e., in the present

Illinois and Indiana, about three thousand; and perhaps several thousand north of 36° and west of the River. The only settlement in this northwest country was Sainte Genevieve, near the mouth of the Missouri, said to have been founded as early as 1735. In 1763, a fur trader named Pierre Laclede Liguest, having brought a barge of trade-goods upstream, could find no place for his stock in this hamlet so selected a site a little farther up, made a palisade in February, 1764, and called it Saint Louis. When the country east of the river was ceded to England, its disgusted French population drifted over to the new village, ignorant of the fact that its soil had been ceded to Spain.

Spain was in no hurry to claim its new territory. St. Ange, commandant in Illinois, moved to St. Louis in 1765 and governed without legal authority but by common consent until 1770, when Capt. Pedro Piernas arrived to be lieutenant-governor of Upper Louisiana.

New Orleans, being deemed more valuable, was taken over more quickly. Governor General Don Antonio de Ulloa, a Spanish grandee of scholarly repute but tactless disposition, arrived and took possession of Louisiana March 5, 1766, without formalities. He had an unpleasant position to fill as ruler of ten thousand people whose leaders had signed a petition to Louis XV praying that they might not be divorced from France. Again, in 1768, these people recited in a second petition that "The Spanish policy, which, gentle and insinuating in the beginning, becomes tyrannical only when the yoke has been imposed" and when this second petition was denied they hustled Don Antonio aboard a ship and sent him away.

Like the unfortunate frogs in the *Fable of King Log and King Stork,* the inhabitants of New Orleans had speedy cause to regret their dismissal of Ulloa. He was replaced by an Irishman in the Spanish employ, known by the exotic name of Alexandro O'Reilly, who came supported by a frigate accompanied by transports containing three thousand soldiers. He introduced Spanish law and administration, executed or exiled the leaders of the revolution against Ulloa, and won for himself the epithet of "Bloody O'Reilly."

During the American Revolution, the popular Governor Galvez assisted the patriots with a force of recruits by capturing several southern forts—Manchac, Baton Rouge, Natchez, Mobile, and Pensacola. His lieutenant in Upper Louisiana, Francisco de Leyba, assisted George Rogers Clark against the British in the Ohio Country. But at the Paris settlement the Spanish put in a claim for this territory as the price for her assistance and recognition of the American Government.

After the war, there was some danger that neglect and distance might alienate the affections of the people of Kentucky and Tennessee from the Confederation. They needed the free navigation of the Mississippi to get their products to market, and, in 1795, this was granted. The negotiation of this arrangement by the Constitutional Government bound the wandering affections to the Federation by thus evidencing an interest in Western problems.

Under the Spanish regime, Louisiana prospered. Her population increased, partly, in the north, by migration westward of French population desiring to escape the hated English rule. The fur trade, with St. Louis as its market, rapidly increased, and by 1799 French goods found their way as far up the Missouri as the Mandan villages (Dakota). Apparently, the French inhabitants were reconciled to Spanish rule, for there were no more attempts at revolt. Taxation was mild and expenses of government were principally met by an annual levy of $537,000 against Mexico for this purpose.

Forty years after Louisiana had been gladly surrendered by a bankrupt France, the turn of fortune in Europe brought a desire to retrieve the lost colony. Napoleon, victorious over European foes, was, nevertheless, a usurper who hoped by the valor of restoring the colonial prestige to make France forget his usurpation. With this in view, he secured a retrocession October 1, 1800, the Spanish King not realizing that the arrangement was intended to be anything but temporary. In fact, Napoleon did not demand a formal transfer and never exercised any authority over Louisiana. Then came a new threat of war in Europe and a disaster to French arms in Haiti, so that the time was not auspicious for any diversion of French armament in what at best could only be a wild speculation in Louisiana. Thus Napoleon was willing, nay even anxious, to turn his liability into a quick asset.

There were several good reasons for transferring Louisiana to the foe. Anything which helped America was likely to injure England. Then, too, a French Louisiana would always be vulnerable by attack from Canada and would cost heavily in even peacetime defense, whereas a strengthened America could menace British Canada. Finally, Napoleon badly needed the money which the transfer would bring to his coffers.

America, on her part, needed the Mississippi River as an outlet for the produce of the Ohio Country and a free port at its mouth. The "right of deposit," stipulated in the treaty with Spain, was the privilege of landing goods in New Orleans awaiting ocean-going ships. This privilege might be abrogated by Spain and the economic life of Ohio, Kentucky, and Illinois stifled. As long as Spain held Louisiana, the Americans could rest with comparative ease, for Spain was friendly, unambitious, and overloaded already with colonial territory. America did not desire the northern part of Louisiana. She had a vast unoccupied territory between the mountains and the Mississippi and even the Atlantic seaboard was not crowded when judged by European standards. So little did the Americans desire more territory that they had failed to write into their Constitution any authorization to the Federal Government to add more land to its domain. Imperialism had not yet awakened.

But with the ambitious Napoleon in control of Louisiana instead of easy going Spain, the situation was more menacing to American interests. Bourbon France had assisted the revolutionists, but republican France had not been as friendly as might have been expected in a sister republic. When the transfer made at

San Ildefonso became known at Washington, the American mind was greatly disturbed.

Steps were taken at once to discover what could be done to restore the "Right of Deposit" which had been withdrawn in 1802. There was much talk of war, and of British alliance. The secretary of state, Madison, told the French *chargé d' affaires* that America wanted New Orleans and must insist on the free navigation of the Mississippi. James Monroe was dispatched to France on a secret mission, with private instructions to secure the free navigation and New Orleans if possible. The purchase of Louisiana was not contemplated. (The reader will keep in mind that New Orleans *is east* of the river and its sale would not necessarily involve Louisiana, which lay west of the river.) Before Monroe reached Paris, Napoleon instructed Marbois to sell Louisiana for fifty million francs (about $10,000,000). Talleyrand, shrewdest of ministers, found out these instructions, and before Marbois could act, asked Livingston, the resident American ambassador, if the United States wished to buy Louisiana. Livingston, astonished and dismayed by the magnitude of the matter, procrastinated until Monroe should advise him of Jefferson's intentions after suggesting that America might pay twenty million francs if the spoliation claims due her citizens might be deducted from that amount. A few days later, Marbois and Livingston agreed upon eighty million francs with 25 per cent deducted for claims, in spite of the fact that France had promised Spain not to dispose of Louisiana.

Shortly after the signatures to the formal document the American representatives bethought themselves that the boundaries of their new acquisition were decidedly indefinite. When they suggested their difficulty to Talleyrand and Marbois the astute Frenchmen joked with them about their qualms. The document they had signed had referred to the limits in language copied from the treaty of San Ildefonso, "the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties, subsequently entered into between Spain and other states." This indefinite language left unsettled two questions, one of which led to international dispute, and, finally, war. Was that part of West Florida which had once formed a part of French Louisiana included in the bargain? This we settled by buying all of Florida. The second question, "Was Texas a part of Louisiana," led to the Mexican war. American historians have never agreed as to the correct answer, and Mexico insisted that Texas was not included, although France, apparently, in 1800, thought otherwise.

Into the qualms of conscience suffered by Jefferson as to his right to negotiate such a treaty and the lengthy debates in Congress over the right of the Federal Government to acquire territory and to provide for its government we need not now go. It is irrelevant to a history of Montana. On November 30, 1803, the French agent Laussat accepted Louisiana from its governor, the Count of Casa Calvo, and seventeen days later William C. C. Claiborne accepted the province on behalf of the United States. The only result of the brief French occupation was the complication of the already confused legal system by the publication of a new code of law embracing certain principles of the Code of Napoleon. Thus to the old French and Spanish law was added a new French law, which, in turn, was soon to be overlaid with the English jury system which the Americans had adopted. Edward Livingston, brother of the ambassador to France, made himself famous by drawing up a code which reconciled divergent practices and served as a foundation for the legal institutions later developed.

Thus, we find the soil of Montana east of the Rockies to have been first claimed by La Salle for France in 1682. Then, in 1763 it was returned to Spain, who had never admitted the French right of occupation, for it had conflicted with their earlier claim. Coronado, a Spanish subject, had carefully explored much of the Mississippi Valley south of the Platte as early as 1540, and had thus established a prior claim to the region which the claim of La Salle invaded. The Spanish administration of Louisiana lasted until the retrocession of 1800 could be made effective. After the brief period of Napoleonic sovereignty—in name only, for Napoleon's officials never exercised authority under it, Louisiana was transferred, in 1803, to the United States of America.

French, British and American fur traders contested with one another throughout the next forty years for the trade of the Indians residing at the headwaters of the Missouri, but no legal government was established in this region.

Tracing now the ostensible government of the soil of Montana, keeping in mind the fact that no actual control was asserted, we find that, from 1803 to 1812, the region belonged to the American Territory of Louisiana; from 1812 to 1821 it was part of Missouri Territory; from 1821 to 1854 it was unorganized country left to the Indians; from 1854 to 1861 it was nominally included within the borders of Nebraska Territory; and in 1861 it became a part of Dakota Territory. The first actual attempt at American government came when, in 1863, the Idaho Territorial Legislature set up the boundaries of eight counties east of the Rockies, and under its laws Madison County and Missoula County elected officials. When Montana Territory was organized, May 26, 1864, American forms of law and government were operative under the laws of Idaho.

Fixing the Canadian Boundary

The Louisiana Treaty left the northern boundary unsettled. In 1783 the Treaty of Paris, which recognized the independence of the United States, provided that the boundary between them and Canada should from Lake Superior west run to "Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said lake to the most northwestern point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn along the middle of the said river Mississippi," *et cetera.*

Since the Mississippi River has its sources at least fifty miles south of a line "due west" of the northwestern point of the Lake of the Woods, the boundary was impossible. And since the Louisiana Treaty of April 30, 1803, made no attempt to fix the northern boundary, this matter called for adjustment between the British and American governments.

A quaint yet scholarly notice of this remarkable error concerning the sources of the Mississippi River was taken by a famous fur trader, Alexander Mackenzie, in his story of his journeys[4] published at London in 1801. Writing of the Lake of the Woods, or, as he calls it, Lake du Bois—the French form of the name—he says:

"This lake is also rendered remarkable, in consequence of the Americans having named it as the spot from which a line of boundary between them and British America was to run west until it struck the Mississippi; which, however, can never happen, as the northwest part of the Lake du Bois is in latitude 49.37 North, and longitude 94.31 West, and the northernmost branch of the source of the Mississippi is in latitude 47.38 North, and longitude 95.6 West, ascertained by Mr. Thomson, astronomer to the North-West Company, who was sent expressly for that purpose in the spring of 1798. He, in the same year, determined the northern bend of the Missisoury (*sic*) to be in latitude 47.32 North and longitude 101.25 West; and according to the Indian accounts, it runs to the south of west, so that if the Missisoury were even to be considered as the Mississippi, no western line could strike it."

It is possible that this knowledge being in possession of the Northwest Fur Company induced them to dispute with American traders the exploitation of the Upper Missouri for several years after the War of 1812; for thus being aware of the defect in the boundary, they knew full well that until the diplomats had corrected their mistake the Americans could not show clear title to the Upper Missouri region.

In 1818, Richard Rush and Albert Gallatin negotiated for the United States with Great Britain a treaty which settled the forty-ninth parallel as the boundary as far west as the Rocky Mountains and agreed to a joint occupation of Oregon for ten years. The exact language of this settlement was as follows:

> Article 2. It is agreed that a line drawn from the most northwestern point of the Lake of the Woods along the forty-ninth parallel of north latitude, or if the said point shall not be in the forty-ninth parallel of north latitude, then that a line drawn from the said point due north or south, as the case may be, until the said line shall intersect the said parallel of north latitude, and from the point of such intersection due west along and with the said parallel, shall be the line of demarkation between the territories of the United States and those of His Britannic Majesty, and that the said line shall form the northern boundary of the said territories of the United States and the southern boundary of the territories of

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[4] 27 July, 1806.

> His Britannic Majesty from the Lake of the Woods to the Stony Mountains.
>
> Article 3. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open, for the term of ten years from the date of the signature of the present convention, to the vessels, citizens, and subjects of the two powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other power or state to any part of the said country; the only object of the high contracting parties in that respect being to prevent disputes and differences amongst themselves.

This boundary line of 1818 was reaffirmed by the Treaty of August 9, 1842, sometimes known as the Webster-Ashburton Treaty.

The Oregon Country

The Pacific coast had been visited by Spanish, Russian, English and American sailors prior to 1800 and somewhat doubtful claims existed in favor of all four. Russian settlements had been made as far south as Bodega Bay; and a Spanish capture had been made in 1789 of the British settlement at Nootka Sound, latitude 49° 30′, so that Spanish and Russian claims overlapped. In 1792, an American, Capt. Robert Gray, sailed his ship *Columbia* into the estuary of the river so named, and a British sailor, Lieutenant Broughton, ascended the river as far as the Cascades, a hundred miles inland; two events which added two more claims to the Oregon Country.

The War of 1812, between Britain and America, involved the capture of Astoria, the fur trading post located by servants of John Jacob Astor near the mouth of the Columbia in 1811. When British capture seemed imminent, the men in charge of the post, either traitorous, or cowardly, or, perhaps, with justifiable shrewdness, depending on the angle from which one views the transaction, sold out to the Northwest Fur Company, a British concern, for an insignificant sum. Thus, technically, the fort was not a war capture but an ordinary commercial transaction, according to the British, who declined to restore it after the war.

However, Lord Castlereagh, the British foreign secretary, found it desirable to concede this claim of the American company to Astoria, but refused to relinquish the sovereignty of the Columbia Valley. On October 20, 1818, a treaty was signed at London providing for a joint occupation of the northwest coast for a period of ten years, the exact language of which has been quoted above. This, however, did not extinguish the claims of Spain and of Russia.

The next year, Spain relinquished to the United States of America both East and West Florida and agreed that the boundary line between the two powers should be as follows:

> Article 3. Shall begin on the Gulph of Mexico, at the mouth of the river Sabine, in the sea, continuing north, along the western bank of that river, to the 32d degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Nachitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas; thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea.

MAMMOTH HOT SPRINGS

This, the first formal statement of the boundary between Spain and America, was made in consideration of the release of Spain from certain claims to compensations due citizens of the United States, and the admission to the ports of Saint Augustine and Pensacola for a period of twelve years of Spanish commerce duty free. By this settlement the position of America in the Oregon Country was much strengthened.

In 1824, a treaty with Russia was negotiated whereby it was stipulated that the parallel of fifty-four degrees and forty minutes should divide the trading activities and settlements of the two nations. The following year a treaty between Russia and Britain defined the boundary between Canada and Alaska as it is today. Thus the Russian claims to the Oregon Country were extinguished, as well as the Spanish, leaving Britain and America to argue the case further.

The Oregon Country, as then defined, was worth considerable argument, and, perhaps, war. But neither part knew enough about the region, or had sufficient commercial connection therewith, to be willing to fight over it. Out of the Oregon Country has been created the entire States of Washington, Oregon, and Idaho, the more valuable portion of Montana, and a corner of Wyoming. The Canadian province of British Columbia was also included in this region under litigation.

The people of the United States thought of Oregon as being the ultimate expression of wilderness and remoteness. Bryant's poem, *"Thanatopsis,"* written in 1817, capitalized this popular impression, in referring to "The continuous woods where rolls the Oregon and hears no sound save his own dashings."

Bryant joined his contemporaries in their ignorance of the fact that there was no great river named the Oregon which paralleled the Columbia. The information gained by Lewis and Clark had not received a wide circulation. It remained for John Floyd, who had been interested by the Astor partners, to bring the Oregon question before the American people. In the congressional debates Floyd was supported in urging an investigation of the Oregon Country by Bailies of Massachusetts, who said, "I would delight to know that in this desolate spot, where the prowling cannibal now lurks in the forest, hung round with human bones and with human scalps, the temples of justice and the temples of God were reared, and man made sensible of the beneficent intentions of his Creator."

But these idealists were answered by Tracy of New York, who replied that there was no real demand for a fort and colony on the Columbia, for it was visionary to expect an overland connection with the ocean. He thought military posts should be used only to protect the frontier and not to draw settlers far into the wilderness. Further, he declared people on the Pacific and those on the Atlantic could not live under the same government. "Nature has fixed limits for our nation," declared Mr. Tracy, "she has kindly interposed as our western barrier mountains almost inaccessible, whose base she has skirted with irreclaimable deserts of sand."

Senator Benton, always alert to western interests,[5] called attention to the fact that if America failed to make settlements during

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[5] Thomas Hart Benton was an American statesman born near Hillsborough, North Carolina, 14 March, 1782. He died at Washington, D. C., 10 April, 1858. His father was a lawyer of good standing in the North Carolina bar. His mother was a Virginian, with Puritanical ideas, a well educated woman for her time. Thomas was the eldest of a large family and was left fatherless while quite young. His early education was obtained at home by the teachings of his mother and his access to his father's large law library. Later he attended grammar school and had completed part of a course at the University of North Carolina when he moved to Tennessee with his mother. They settled in a small town near Nashville. While here he taught school, later studied law and was admitted to the Tennessee bar in 1811, under the patronage of Andrew Jackson, then a judge of the Supreme Court.

During his stay in Tennessee his character was greatly influenced by the contact with many extraordinary men, who then and afterwards made their mark in the Southwest. The neighboring town of Nashville was a typical rough border town. It was at first perverse to his early teachings but he took to it gradually and although he was never a vicious or debauched man, he had his share of the brawls, shooting and stabbing affrays, which composed the social life of the community. Duelling was very common in these days. Benton killed his first man in a duel later when he was a citizen of Missouri in 1817. His opponent was a lawyer named Lucas.

He was elected to the lower house of the Tennessee legislature in 1811. While a member of the legislature he had a bill passed introducing the circuit system into the state judiciary, a reform of much importance, also a bill providing that a slave should have the same right to the full benefit of a jury trial as a white man for the same accusation. This is important due to the fact that Benton was a slaveholder, however, he was not radical in his views on slavery.

The War of 1812 broke out shortly after he left the legislature. When the anti-Democrats or Federalists of the Northeast made resolutions toward the dissolution of the Union at the Hartford Convention, Benton said: "At the time of its first appearance the right of secession was repulsed and repudiated by the Democracy generally. * * * The leading language in respect to it south of the Potomac was that no state had a right to withdraw from the Union * * * and that any attempt to dissolve it, or to obstruct the action of constitutional laws, was treason. If since that time political parties and sectional localities have exchanged attitudes on this question it cannot alter the question of right." Thus began the molding of Benton's political character. He was a southern slave holder, but broad minded in his views of slavery, very Western in his feelings and a strong Union man. During the War of 1812, Benton was an aide-de-camp to Jackson. He raised a volunteer regiment and was made lieutenant colonel in the regular army but saw no active service.

Until 1813 Jackson and Benton were very good friends. At this time a duel of laughable rather than serious character took place in an inn at Nashville between the Benton brothers on one side and Jackson, General Coffee and another friend. This encounter, however, only temporarily severed their friendship. They became completely reconciled and were the closest personal and political friends. Benton was as generous and forgiving as he was hot tempered, and Jackson's rude nature was free from malice.

In 1815 Benton crossed the Mississippi and became permanently established in Missouri. Missouri was then a typical border state, even to an exaggerated term. Feuds were frequent and bloody. Among these people Benton's ideas became markedly western. It is difficult to understand Benton's domestic and foreign policy without knowing the surroundings where he was brought up and the people who selected him as their representative.

On first moving to Missouri he practiced law and established a newspaper. He tried, through his newspaper, to have Missouri admitted to the Union as a slave state. As a result of his efforts along this line he was elected as senator from Missouri in 1820. He was reelected to Congress for the next thirty years. While in Congress he stood as one of the foremost public men, a speaker of great ability and mastery of facts, logician and debater; he had an excellent memory, an iron will and physique, and was witty and sarcastic. He was the spokesman for the western Democrats, and supported western interests. During Adams' term Benton began his fight for the disposal of public lands in the West. He proposed laws for preemption, donation and graded parcels of lands. He strongly opposed the bidding system and the arbitrary minimum price which kept some land out of the market entirely. His view of the land question was one of a far-seeing Western statesman who wished to encourage immigration. In opposing Clay's bill for the distribution of revenue derived from the public lands among the states Benton brought forward the idea of using the surplus for providing national defenses. His patriotism included the entire country despite his sympathy for the West. In regard to national defense he said: "In this great system of national defense the whole Union is equally interested; for the country in all that concerns its defenses is but a unit and every section is interested in the defense of the whole population. It is in vain to say that the navy is on the sea, and the fortifications on the seaboard, and that the citizens of the interior states, or in the valley of the Mississippi, have no interest in these remote defenses. Such an idea is mistaken and delusive; the inhabitant of Missouri or of Indiana has a direct interest in keeping open the mouths of the rivers, defending the seaport towns and preserving a naval force that will protect the produce of his labor in crossing the ocean and arriving safely in foreign markets."

He was a great advocate of the homestead law. During Van Buren's administration he succeeded in getting two or three homestead bills through the Senate. One of these allowed lands that had been in the market for five years to be sold for a dollar an acre, and if they remained unsold for five years more to sell for 75 cents an acre. This bill was of great interest to the Western farmer in the newer parts of the country. An effort was made to limit this law to citizens, excluding unnaturalized foreigners, but Benton successfuully opposed this act, seeing that it would exclude the type of foreigners needed in the West. Aside from the laws regarding the sale of western land he proposed throwing open the government mineral and saline lands to occupancy, and strongly opposed the salt tax. He doggedly opposed this issue for more than twelve years.

He advocated transcontinental explorations and post-roads, a Pacific railway, which would open trade with the orient; occupation of the mouth of the Columbia River, trade with New Mexico, establishment of military stations through the Southwest, amicable relations with the Indians, and many other things which would benefit the opening and prosperity of the West.

In regard to his standing on the Indian question, he attacked the entire policy, showing the corruption of Indian agents, usually the cause of the Indian wars. He criticized the troops as being unfit to cope with the Indians, and advocated the formation of companies of frontier rangers, who should be settlers and receive land as a bounty from the government. His views concerning the regular army, however, were not sensible and taken from a jealous point of view. He took a prominent part in favoring bills, which advocated treaties with the Indians, forcing or inducing them to abandon their lands to the whites and move westward. Benton took the frontier view of this question. These issues for the improvement of the West made him invincible there until slavery drove him into opposition.

He supported Jackson in his refusal to recharter the United States Bank, made speeches for the adoption of metallic currency only. This he believed to be surer and safer than paper currency, and of vital importance to the laboring man and the man of small capital. He procured the passage of the gold standard law fixing the ratio of gold and silver at sixteen to one; a proportion copied after the Spanish-American countries. These views on the currency question gained for him the nickname of "Old Bullion."

In the Nullification issue Benton was Calhoun's chief opponent, not only as a supporter of Jackson, but because of his own convictions.

One of the first subjects to show Benton's favoritism for the West was the Oregon boundary dispute. Although a slaveholder from the South he was very much in favor of the extension of free territory. The territory north and south of the Oregon River was jointly held by the United States and Great Britain. Benton's intense Americanism made it possible for him to look farther into the future and see the situation in a broader sense than most of his contemporary statesmen. He knew the land was valuable and should be properly annexed, but his bill to provide for an arrangement with Great Britain about a definite settlement was rejected in the Senate. When the question arose again during Adams' administration and joint occupation with Great Britain was favored Benton opposed the matter, claiming all the territory as ours, giving the desire of all the Westerners who were interested in the issue. In 1844 the Democrats used "fifty-four forty or fight" as their slogan, but Great Britain would not consent. Polk was neither capable nor warlike so the line was removed to the forty-ninth parallel. Benton successfully saw that this compromise passed the Senate.

He favored a vigorous prosecution of the Mexican war, after the country had entered the war, but he opposed the war in the beginning. At this time he was nearly made commander-in-chief of the army because of his close acquaintance in the territory.

He fought Calhoun's States Rights in retort to the Wilmot Proviso. These issues never came to a vote, but Calhoun sent them to various states and Missouri pushed them through without Benton's notice. Benton denounced the period of joint occupation her claim to the territory would be weakened.

Delay favored the British as long as the Americans were making no effort to strengthen their case. The British fur companies were rapidly exhausting the only commercial value in the country. Hence, the British government did not care to discuss the matter until the expiration of the ten years forced the reopening of the question.

In 1829 Albert Gallatin argued for the American acquisition of the Oregon Country, to replace the joint occupation, basing the claim upon (1) Gray's prior discovery, (2) Lewis and Clark's exploration, (3) the settlement at Astoria, and (4) the transfer to America of the old Spanish claims. George Canning, the British foreign secretary, offered to split Oregon at the Columbia River; Gallatin offered to split at the forty-ninth parallel. The only result attained was the agreement to continue the joint occupation.

American Settlement

By 1840 America was looking westward in search of new lands, both north and south. Interest had been aroused in Oregon by fur traders, explorers, and missionaries. Jedediah S. Smith had wandered in search of furs from California to the Hudson's Bay fort at Vancouver, near the mouth of the Willamette, in 1828.

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them and tried for re-election but was defeated by the Whigs and anti-Benton Democrats. His thirty years of service in the Senate came to a close in 1850. He was not discouraged, however, and in 1852 represented the Union Democrats in the House of Representatives. When elected as a member of the House, in 1852, he supported Pierce for the presidency but when it became evident that Pierce favored secession, Benton treated him with contempt. While in the House he strictly abided by the Missouri Compromise and opposed the Kansas-Nebraska bill, which advocated "squatter sovereignty." He made a long speech in Congress on this issue. The speech exceeded the hour limit but he was allowed to continue through the courtesy of a member from Illinois, who gave up part of his time to the old Missourian because he was the oldest member of Congress and the only man then in Congress who was present when the Missouri Compromise was passed. This speech marked the end of his political career. He was not reelected.

He spent the years from 1854 to 1856 writing his *Thirty Years' View.* This book tells of his Congressional career from 1820 to 1850.

In 1856 he ran for governor of Missouri, but was defeated by the third ticket. The same year he supported Buchanan for the presidency against his son-in-law Fremont because Buchanan was a Democrat, although he did not like him personally.

He spent the last two years of his life compiling an abridgement of the debates in Congress from its beginning up to 1850. This work is published in fifteen volumes.

He died on April 10, 1858, in Washington, D. C.

In private life Benton was very pleasant, and religious, although like Jackson, he occasionally swore straightforwardly. He was rigidly moral, and too fond of work to care much for social life, liking small dinners with a few intimate friends. He had a good geographical knowledge and although he had not traveled much he gave an impression of having done so. Webster accredited him with knowing more political facts than any other man he had ever met. Although he was considerate in dealing with people he cared for he was quarrelsome and revengeful. He was frank and bitter in his political and personal prejudices. His entire life was devoted to the public and his sympathies were with the West.

Two years later, Smith, David Jackson, and William L. Sublette, took the first loaded wagons into the Rocky Mountains to the head of Wind River (south of Yellowstone National Park) and reported that they could easily have crossed the mountains by way of South Pass, a route first discovered and used by Ashley's trappers in 1823. Captain Bonneville, of the United States Army, turned fur trader in 1832 and sent a train of loaded wagons along this route into the Snake River Valley, the first large effort after Astor's ill-fated attempt to establish American fur trading in the Oregon Country. Bonneville's interesting adventures did not take place in any part of what is now Montana, so his exploits do not concern the present history, except in so far as they created an interest in Oregon which indirectly resulted in shaping the subsequent history of Western Montana.

Nathaniel J. Wyeth, who had been interested in Oregon by the writings of Hall J. Kelley, organized in 1831 two companies with the intention of colonizing in Oregon. One of these went by way of the Horn. The other attempted the harder journey overland, joining the pack train of William Sublette, of the Rocky Mountain Fur Company, and the eleven of those who had not turned back in discouragement arrived at Vancouver October 24, 1832. Here they learned that their ship had been wrecked on the Society Islands.

Wyeth, undismayed at this misadventure, returned to Boston and organized another expedition. This shipwreck was only the first of a series of misfortunes which bankrupted Wyeth and destroyed his schemes for getting rich in the Oregon fur trade. His advertisements in the East did much to awaken interest in Oregon and in that way contributed to its later settlement.

About this time (1831) occurred an odd incident which greatly affected not only the history of Montana but also that of the Willamette and Walla Walla valleys. Some Iroquois in a fur trader's outfit had informed a tribe of Oregon Indians of the tenets of Christianity, arousing in them a desire to know more of the faith. Four braves of the Copunnish or Selish, it is not certain which, owing to the confusion in the use of the name Flathead,[6] visited Saint Louis in 1831 to request more light concerning the white man's religion. Two of the Indians were stricken ill and, having been baptized in the Christian faith, were buried in a Catholic cemetery. The burial records of the Cathedral in Saint Louis bear, in French, the following records (translated) of the two burials:

> The 31st of October, 1831, I, the undersigned, have buried in the cemetery of this Parish the body of Keepellele or Pipe Bard, of Nez Perce, of the tribe of Chopoweck, [of the] Nation called Flat Heads, aged about forty-four years, admin-

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[6] See Chittenden-Richardson (editors) *Life Letters and Travels of Father Pierre Jean De Smet, S. J., 1801-1873,* Francis P. Harper, New York 1905, at Chapter III, for a careful, scholarly discussion of this matter. Palladino, in *Indian and White in the Northwest,* is a thorough partisan of the Selish identification.

> istered of holy baptism, coming from the Columbia River beyond the Rocky Mountains.
>
> Edm. Saulinier, Pr.
>
> The 17th of November, 1831, I, the undersigned, have buried in the Cemetery of that Parish the body of Paul, a savage of the Nation of Flat Heads, coming from the Columbia River beyond the Rocky Mountains, administered of holy baptism and of extreme unction.
>
> Roux, Pr.

The death of these Indians added to the drama of the situation, which was, even without the sad ending, sufficiently vivid to give plentiful advertising to the matter. In response to the invitation three parties, representing as many different views of Christianity in theology and polity, were sent out.

The Roman Catholic Church was represented by Father De Smet, who went in 1840 to the Selish in Western Montana. This story of this enterprise is reserved for full treatment in a later chapter. The Methodist Episcopal Missionary Society sent the Rev. Jason Lee to the Flatheads, in 1833; and in 1835, the American Board of Commissioners for Foreign Missions, representing the Presbyterian and Congregational denominations, sent Dr. Samuel Parker and Dr. Marcus Whitman. After visiting Dr. John McLoughlin at Vancouver, and other parts of Oregon, Parker and Whitman began work in the Walla Walla Valley.

All these missionary enterprises furnished much advertising in the East. The Lee settlement resolved itself into an industrial mission in the Willamette Valley among a very low class of aborigines wherein it was speedily apparent, owing to the rapid diminution in numbers of the Indians, that no permanent values would be achieved here. Efforts were made on a large scale to colonize Americans around the mission here; and the resulting influx doubtless had its effect in persuading the Hudson's Bay Company to leave their fort at Vancouver and remove their goods to Fort Victoria on the tip of Vancouver Island.

The Northwest Fur Company and Hudson's Bay Company, after several years of cut-throat competition, had decided to unite (1821). Dr. John McLoughlin took charge of the venture and moved the headquarters from Fort George to Vancouver in 1824. Throughout McLoughlin's captaincy of the enterprise he was hospitable to all Americans who visited him; so much so that in the '40s a rumor found currency that he was seeking to make himself the head of an independent government. If so, he was most severely rebuked, as he was later despoiled of his property by the Oregon courts in a law suit with the Methodist Mission.

By 1840 there were probably 350 British subjects and 150 American citizens in the Willamette Valley. In the eastern part of the Oregon Country there may have been a few dozen Americans. Large migrations to Oregon began with Dr. Elijah White's company of a hundred souls in 1842. A much larger company arrived in 1843, swelling the population of Oregon to approximately 1,500. By the end of 1845 there were probably 6,000, the great majority of whom were American citizens.

The American Government now had a stronger argument to induce recognition of its claims to Oregon. The people had been so aroused that the campaign of 1844 was enlivened by the cry "54-40 or fight." After Polk, elected on this platform, announced in his inaugural that our "title to the whole of Oregon is clear and unquestionable" the British government dispatched a warship to the Oregon coast. Such a situation could not long remain unsettled, for a slight provocation might lead to war.

In the meantime the people of Oregon had formed for themselves a provisional government. At Champoeg, on May 2, 1843, the first government in the Oregon Country was voted by 102 British subjects and American citizens. This government was reformed in 1844 and again in 1845 as new men came in and insisted in having a voice in this odd government. The thing which brought this necessity sharply before them was the death of a man without heirs and some kind of government was needed to settle his estate. There was no wanton disregard of human life here in the quiet Willamette Valley such as disgraced the early days of California and Montana. This government set itself up as the provisional government of Oregon, but it made no attempt to exercise any control outside the Willamette Valley. Consequently Eastern Oregon, which is now Western Montana, knew no civilized law at this time.

Conditions in the British Isles did not favor a war in defense of this wilderness which the Hudson's Bay Company had been willing to abandon without a struggle. In the summer of 1845 excessive rainfall ruined the crops of much of Western Europe, causing a scarcity of food. This created a rationing problem for the British ministry which eventuated in a struggle in Parliament to reduce the tariff on imported wheat, a measure which the Tory landowners most bitterly fought. A further argument supported peace. Sir Robert Peel was a cotton-mill owner and economically sympathized with the weaving masters of Lancastershire who were dependent upon raw cotton from America to keep their mills busy. War would cut off this supply.

The British must have known that the "fifty-four forty" talk was sentimental nonsense, for they were in a position to know that not a single American interest supported that extreme claim. Even the ardent expansionist, Benton of Missouri, while insisting that the United States must fight, if necessary, to secure the forty-ninth parallel boundary in Oregon, disavowed the popular demand for the more northern boundary.

Following a long series of conversations, Lord Aberdeen offered a proposal of the forty-ninth parallel as the boundary to the Straits of Juan de Fuca, then following the center of the principal channel to the open sea. This gave the entire island of Vancouver to the British. Although the forty-ninth parallel cut the southern part of the island, the Americans were not particularly interested in this bit of territory. The British further stipulated that they were to retain freedom of navigation up the Columbia. This article concerning the Columbia was included in the treaty as finally ratified and made the Columbia unique in the western hemisphere as the only river which was free to the trade of a foreign power yet both of whose banks were the soil of the same state.

Aberdeen's proposal was accepted, the treaty being concluded June 15, 1846, thereby ending the dispute of a half century. American settlement was more rapid. In 1850, the census of Oregon showed 13,294. The Territory of Washington was separated from Oregon Territory in 1854 and placed under the governorship of Gen. Isaac I. Stevens. These two territories returned a population of more than 63,000. Before another census year, Washington Territory had yielded its eastern portion to Idaho (1863); and Idaho, in her turn, had yielded her eastern portion to Montana (1864).

For Further Study

For further study of the diplomatic history of Montana the following are recommended: Shafer, *History of the Pacific Northwest,* MacMillan 1918, Chapters I, II, V, VII, XI, XII; Adams, *History of the Foreign Policy of the United States,* MacMillan 1924, Chapters VIII and XI.

CHAPTER IV

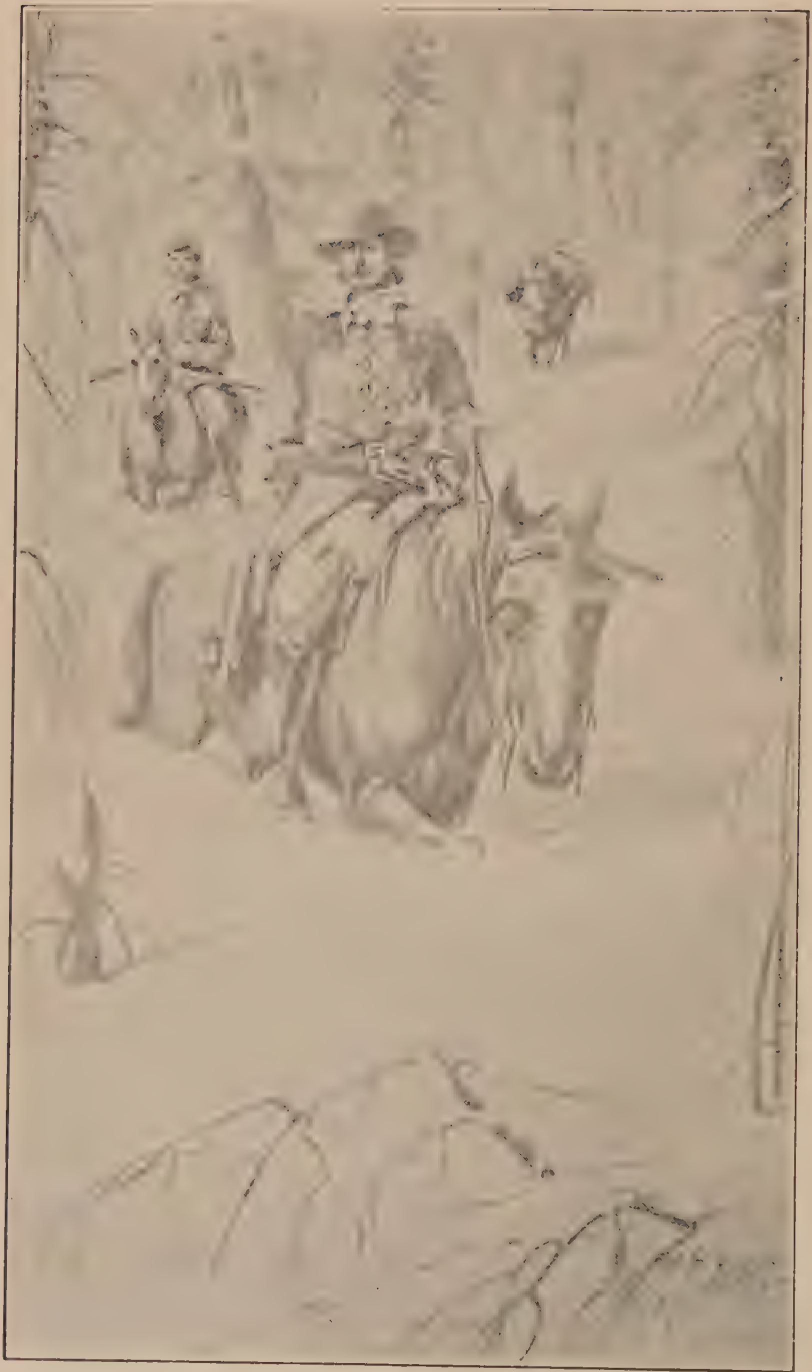
THE EXPLORATIONS OF MONTANA

We have seen in a preceding chapter how early in the eighteenth century France claimed the ownership of the American wilderness. There was a thin line of French settlement along the Saint Lawrence River and another little settlement at New Orleans. Apart from these two groups of settlements there were only a few scattered forts to mark the dominion of France over this empire. Many of the savage tribes, which occupied this wilderness, had never heard of the French. Indeed, they had never seen a white man. Apart from the French settlements in America at the beginning of the eighteenth century, there were possibly some hundred thousand speaking the English language settled along the Atlantic coast; and a smaller number of Spanish fringed the Gulf of Mexico.

In 1716 the Duc d'Orleans, regent for Louis XV, accepted a plan for exploring North America to find the Pacific Ocean. Three years later Charlevoix, the Jesuit, was ordered to America to find all he could concerning the Western Sea and a route to it. He went to the Upper Lakes and questioned missionaries, officials, fur traders, and Indians. They had nothing to tell, but the fur traders and Indians covered their ignorance with falsehoods. Charlevoix reported two plans: one to ascend the Missouri, "the source of which is certainly not far from the sea, as all the Indians I have met have unanimously assured me"; the other to establish a mission among the Sioux. The regent approved the plan of the mission, but Indian hostility prevented its fulfillment.

In 1727 the plan was revived. The governor of Canada was ordered to send two missionaries to the Sioux. But since the Crown had no money to spend for such a pious venture, a fur company was formed and given monopoly of the Sioux trade on condition of building a fort and chapel and providing protection therefor. Thus it was sought to attach the Sioux to the French by both religion and trade without the irritation of permanent white settlements among them; and by their friendly aid and counsel to find a path to the Pacific. The attempt was made, but failed, as the Sioux were too warlike.

In the next decade Pierre Gaultier de Varennes, Sieur de La Verendrye, began to explore the territory of Central Canada, building forts along his route, the motive of his explorations being to find the Western Sea. In October, 1738, he left Fort La Reine with a party of Frenchmen and Indians. He wandered around in vain, misguided by the Indians, in search of the Pacific Ocean. Finally he decided to visit the Mandan Villages, later returning to Fort La Reine "greatly fatigued and very ill," according to his journal. In 1741 another unsuccessful attempt was made toward the Mandans territory in the valley of the Assiniboine.

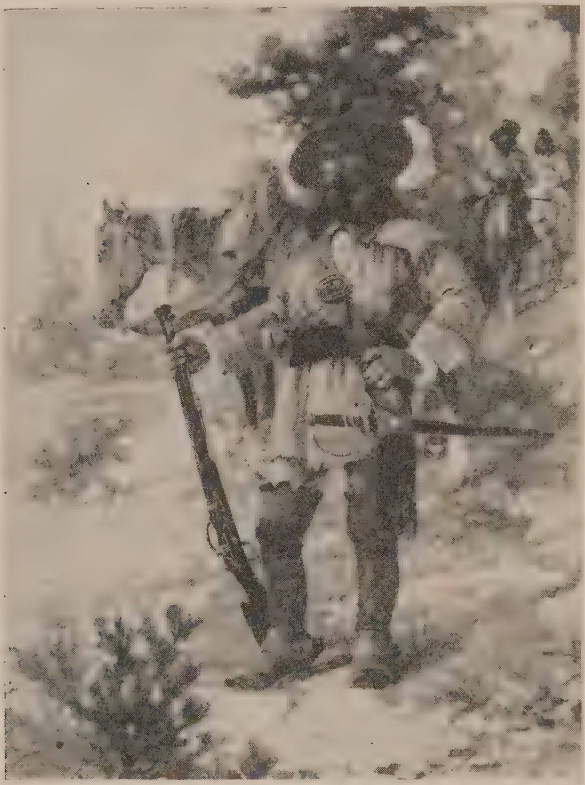


LEWIS AND CLARK EXPEDITION IN MONTANA

In 1742, the two sons of Pierre Gaultier de Varennes, Sieur de La Verendrye, Pierre and Francois, left the Assiniboine River, where they had wintered among the Mandans, and started to find the Western Sea of which the Indians knew so much that was not correct. What the natives meant by the Western Sea was only the Great Salt Lake. On August 11, they climbed the Powder Hills in Southeastern Montana. Their Mandan guides were dismissed, and Crow guides took the young Frenchmen to the Cheyennes, or Horse Indians. These took them to the Bows, who were preparing to make war on the Snakes, or Shoshones, still farther west. Zigzagging across Montana, the Verendrye brothers on January 1, 1743, saw what was probably the Big Horn range of the Rockies, 120 miles east of the Yellowstone Park. Twelve days later Charles is said to have scaled a spur of the Rockies. Thus the Verendrye brothers were in all probability the first white men to see the Rocky Mountains.

The historian Bancroft, in his *History of Montana,* believed that the Verendryes got much farther west than the foregoing statement indicates. He wrote, "It was the 1st of January, 1743, when Verendrye reached the Shining Mountains. The point at which the ascent was made was near the present city of Helena, where the party discovered the Prickly Pear River, and learned of the Bitterroot. They described the Bear's Tooth Mountain near Helena, and in other ways have left ample evidence of their visit" (page 600). This statement was probably influenced by the remarks of Mr. Granville Stuart appended to an article on "The Discovery of the Rocky Mountains," published in the first volume (1876) of *Contributions to the Historical Society of Montana.* Mr. Stuart wrote: "From the general tenor of the foregoing narrative, the Historical Society is inclined to believe that the route pursued by Verendrye was as follows: Starting from Fort La Reine, on the Assiniboine River, they went up Mouse River in a southerly direction, and then crossed over to the Missouri a little below where is now Fort Berthold. They then ascended the Missouri as far as the Gates of the Mountains, where the river breaks through the Belt range (near Helena), and ascended those mountains on the 1st of January, 1743. Thence they passed up Deep or Smith's River, and over to the head of the Musselshell, and from there they went south to the Yellowstone, crossing which, they went up Pryor's Fork, and through Prior's Gap, to Stinking River, which they crossed, and continuing on south, came among the Snake Indians, on Wind River, who told them that on the south side of the Wind River Mountains was the river Karoskiou (Kanaraogwa, in the modern Snake tongue), now called Green River. The Snakes also told them they would be killed if they tried to go any farther south, because war parties of the San Ards band of Sioux, hereditary enemies of the Snakes, were always watching about the South Pass, to kill and plunder them as they passed to and from Green River, where lived another band of the Snake tribe. Here the party turned back, and, 'on the 19th of May, 1744, they had returned to the Upper Missouri, and in the Petite Cerise ("Choke Cherry") country they planted on an eminence a leaden plate of the arms of France, and raised a monument of stones, which they called Beauharnois.' "

A report of disaster threatening the Cheyennes sent their Crow guides homeward, panic-stricken, without meeting the Snakes. The Verendryes elected to return with them rather than brave the perils of the wilderness without guides. Accordingly, they turned back, and, on this return journey, buried a plate of lead to prove to future travelers the presence of the Verendrye party. The plate was inscribed in French, in very crude scratches, "Placed by the Chevalier de La Verendrye, Louis Joseph, Long La Londette, A Motte the 30th of March, 1743." Louis Joseph was the brother of the Chevalier, and Londette and Motte were two employees. The plate has been said to have borne the arms of France.



PIERRE VERENDRYE

The first white man to set foot in Montana.

From a painting by E. S. Paxson in the Capitol at Helena.

For a hundred and fifty years historians and scientists searched in vain for this plate, for its location would settle the much-disputed question of how far west the actual presence of these earliest of white visitors could be established. It was known from the diary of Verendrye that it had been buried on an eminence near the Missouri River. Finally, some South Dakota school boys found the plate and it now rests in the collection of the South Dakota Historical Society.

While on this tour Verendrye discovered among massive stone pillars a small stone bearing on two sides graven characters of an unknown language. The stone afterwards was sent to Paris and there the resemblance the characters were thought to bear to the Tartaric was regarded as supporting the hypothesis of an Asiatic immigration.

The extinction of the French interest in Canada, by the Treaty of Paris, 1763, put an end to the French explorations in this continent. The British lost their claim to America south of the Great Lakes in 1783, and thus made it possible that the next exploration of Montana should be by Americans.

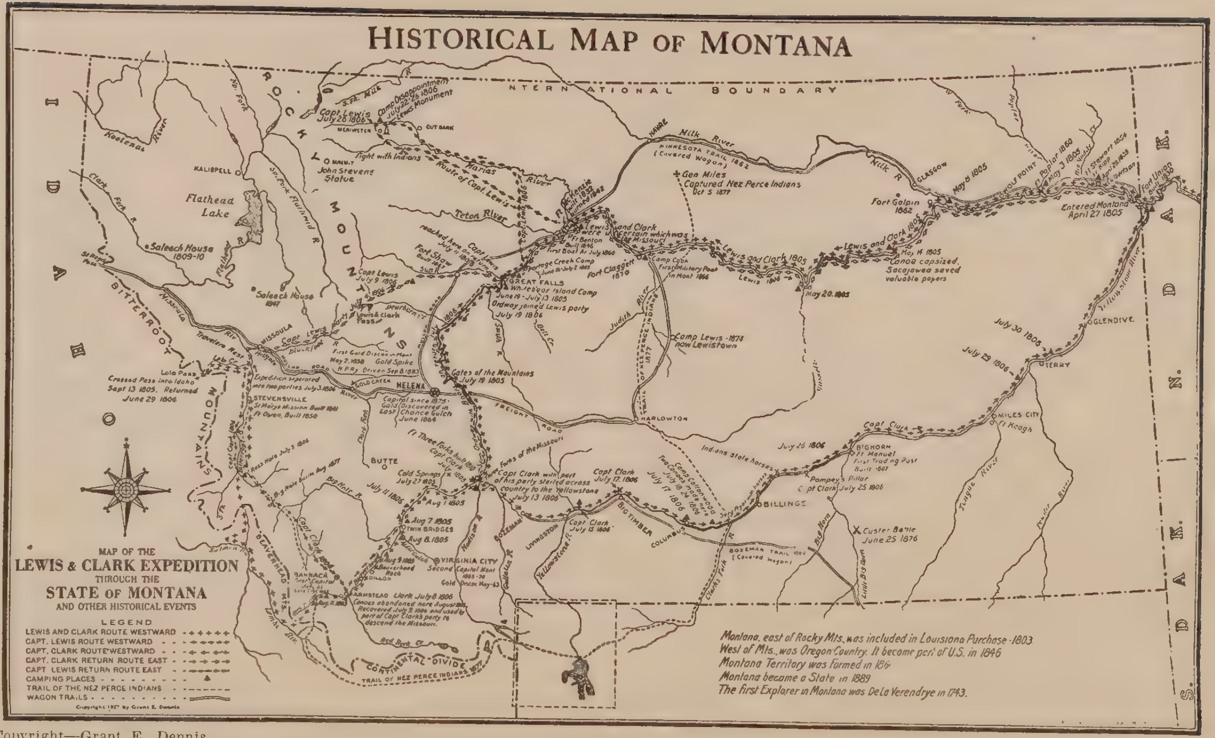
Lewis and Clark Expedition

The story has often been told of how Thomas Jefferson wished to explore westward, having been interested in the project by John Ledyard, who had sailed with Captain Cook into the Pacific Ocean. Ledyard had tried to explore Northwestern America by approaching through Siberia, but was stopped by the order of Empress Catherine of Russia. In 1792, Jefferson proposed to the American Philosophical Society that they send an expedition to explore the region beyond the Mississippi River. There was a rumor at the time that the British government would attempt to secure possession of this territory so weakly held by Spain. Capt. Meriwether Lewis asked the privilege of going, but a French botanist, Andre Michaux, was selected and he went as far as Kentucky before being recalled by the French minister.

Election to the presidency gave Jefferson the opportunity to promote a new attempt. He requested an appropriation in his message of January 18, 1803, of twenty-five hundred dollars for the purpose of sending an exploring expedition into the Northwest. Congress granted the request and Meriwether Lewis (1778-1809), Jefferson's private secretary, was selected to head the expedition. Jefferson wrote the instructions for this party on the assumption that the expedition would go through French territory. But before Lewis got started the territory was sold by France to the United States. Lewis was not given the rank of captain in order that he might head the expedition; he had been commissioned a captain of the First United States Regular Infantry, April 15, 1802.

An expedition of such length would probably require several years' absence from civilization and necessitated very careful planning. The estimated expenses were as follows:

Mathematical instruments	$ 217.00
Arms and accoutrements extraordinary	81.00
Camp equipage	255.00
Medicine and packing	55.00
Means of transportation	430.00
Indian presents	696.00


HISTORICAL MAP OF MONTANA
INTERNATIONAL BOUNDARY
IDAHO
N. DAK.
S. DAK.
ROCKY MOUNTAINS
BITTERROOT MOUNTAINS
CONTINENTAL DIVIDE
BEAVERHEAD MTS.
TRAIL OF NEZ PERCE INDIANS 1877
Flathead Lake
KALISPELL
Saleech House 1809-10
Saleech House 1847
MISSOULA
Lolo Pass
Crossed Pass into Idaho Sept 13 1805. Returned June 29 1806
STEVENSVILLE
St Marys Mission Built 1841
Ft Owen, Built 1850
Expedition separated into two parties July 3 1806
First Gold Discovered in Mont May 2, 1858
Gold Spike N.P.Ry. Driven Sep 8 1883
HELENA
Capital since 1875
Gold Discovered in Last Chance Gulch June 1864
BUTTE
BANNACK
DILLON
ARMSTEAD
VIRGINIA CITY
Second Capital Mont 1865-75
Gold Discov. May 63
TWIN BRIDGES
Aug 7 1805
Aug 8 1805
Aug 1 1805
July 11 1805
Cold Springs July 27 1805
Ft Three Forks Built 1810
Forks of the Missouri
Capt Clark with part of his party started across country to the Yellowstone July 13 1806
BOZEMAN
LIVINGSTON
BIG TIMBER
COLUMBUS
BILLINGS
Pompey's Pillar Capt Clark July 25 1806
BIGHORN
Ft Manuel First Trading Post Built 1807
Custer Battle June 25 1876
BOZEMAN TRAIL 1864 (Covered Wagons)
MILES CITY
Ft Keogh
TERRY
GLENDIVE
Entered Montana April 27 1805
Fort Union Built 1829
Fort Galpin 1862
GLASGOW
WOLF POINT
Poplar 1860
Canoe capsized, Sacajawea saved valuable papers
May 20 1805
Lewis and Clark 1805
Fort Claggett 1870
Camp Cooke First Military Post in Mont 1866
Lewis and Clark were uncertain which was Missouri
Ft Benton Built 1846
GREAT FALLS
White Bear Island Camp June 19 - July 13 1805
Ordway joined Lewis party July 19 1806
Portage Creek Camp
Gates of the Mountains July 19 1805
Camp Lewis 1874 now Lewistown
Gen Miles Captured Nez Perce Indians Oct 5 1877
MINNESOTA TRAIL 1862 (Covered Wagons)
HAVRE
Milk River
Marias River
Teton River
Route of Capt Lewis 1806
Fight with Indians
Capt Lewis July 26 1806
Camp Disappointment July 22-26 1806
Lewis Monument
CUT BANK
John Stevens Statue
Capt Lewis July 9 1806
Fort Shaw
Lewis & Clark Pass
HARLOWTON
FREIGHT ROAD
Indians stole horses
Capt Clark July 17 1806
Yellowstone R.
Clarks Fork
Musselshell
Judith River
Big Horn
Tongue River
Powder River
MAP OF THE
LEWIS & CLARK EXPEDITION
THROUGH THE
STATE OF MONTANA
AND OTHER HISTORICAL EVENTS
LEGEND
LEWIS AND CLARK ROUTE WESTWARD
CAPT. LEWIS ROUTE WESTWARD
CAPT. CLARK ROUTE WESTWARD
CAPT. CLARK RETURN ROUTE EAST
CAPT LEWIS RETURN ROUTE EAST
CAMPING PLACES
TRAIL OF THE NEZ PERCE INDIANS
WAGON TRAILS
Copyright 1927 by Grant E. Dennis
Montana, east of Rocky Mts., was included in Louisiana Purchase - 1803
West of Mts., was Oregon Country. It became part of U.S. in 1846
Montana Territory was formed in 1864
Montana became a State in 1889
The first Explorer in Montana was De La Verendrye in 1743.

Copyright—Grant E. Dennis

Provision extraordinary	224.00
Materials for making up the various articles into portable packs	55.00
For the pay of hunters, guides and interpreters	300.00
In silver coin, to defray the expenses of the party from Nashville to the last white settlement on the Missouri	100.00
Contingencies	87.00
	$2,500.00

This did not contemplate the regular pay and provender of soldiers who were allotted to the expedition being charged against this account. Jefferson mentioned ten or twelve men to be engaged to accompany Captain Lewis, but after the occasion for secrecy was obviated by the transfer of the Louisiana title the company was enlarged to forty-five persons. The capacities of this young man are eloquently stated by Jefferson in his *Memoir*:

"I had now had opportunities of knowing him intimately. Of courage undaunted; possessing a firmness and perseverance of purpose which nothing but impossibilities could divert from its direction; careful as a father of those committed to his charge, yet steady in the maintenance of order and discipline; intimate with the Indian character, customs, and principles; habituated to the hunting life; guarded, by the exact observation of the vegetables and animals of his own country, against losing time in the description of objects already possessed; honest, disinterested, liberal, of sound understanding, and a fidelity to truth so scrupulous that whatever he should report would be as certain as if seen by ourselves—with all these qualifications, as if selected and implanted by nature in one body for this express purpose, I could have no hesitation in confiding the enterprise to him. To fill up the measure desired, he wanted nothing but a greater familiarity with the technical language of the natural sciences and readiness in the astronomical observations necessary for the geography of his route. To acquire these he repaired immediately to Philadelphia, and placed himself under the tutorage of the distinguished professors of that place, who, with a zeal and emulation enkindled by an ardent devotion to science, communicated to him freely the information requisite for the purposes of the journey. While attending, too, at Lancaster, the fabrication of the arms with which he chose that his men should be provided, he had the benefit of daily communication with Mr. Andrew Ellicott, whose experience in astronomical observation and practice of it in the woods enabled him to apprise Captain Lewis of the wants and difficulties he would encounter, and of the substitutes and resources offered by a woodland and uninhabited country."[1]

Although we nowadays speak of the Lewis and Clark expedition, only Meriwether Lewis was commissioned for the enterprise. He was authorized to name one of his party to succeed him to command in case of accident or death disabling himself. Accordingly he named, before starting, William Clark, brother of George Rogers Clark, "who was approved and with that view received a commission of captain," said Jefferson in his biography of Clark, but a serious question has been raised as to whether Clark ever had a commission higher than the one given him March 26, 1804, which was that of second lieutenant of artillery. Militarily, then, he was subordinate to Lewis; but in the conduct of the expedition strictly co-ordinate as Lewis had promised he should be. The honors of the great work should likewise be equally bestowed.

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[1] Jefferson's works VIII 484-5, Townsend MacCoun, 1884. This is taken from the biographical sketch prepared by Jefferson at the death of Meriwether Lewis, 1809.

The objects of this expedition were set out at length in the letter of instruction handed Lewis under date of June 20, 1803. "The object of your mission is to explore the Missouri River, and such principal streams of it as, by its course and communication with the waters of the Pacific Ocean, whether the Columbia, Oregon, Colorado, or any other river, may offer the most direct and practicable water communication across the continent for the purposes of commerce." He was told to "take observations of latitude and longitude at all remarkable points of the river" and to guard against loss of data by multiplying them; with the object of preserving against injury from dampness, Jefferson suggested that at least one copy be made "on the cuticular membranes of the paper-birch." Special note was to be made of the ethnology, soil, botany, and zoology of the country. Volcanic appearances, mineral products and climate were to receive attention. The Indians must be kindly treated, "make them acquainted with the position, extent, character, peaceable and commercial dispositions of the United States, of our wish to be neighborly, friendly, and useful to them. * * * Carry with you some matter of the kine-pox; inform those of them with whom you may be of its efficacy as a preservative from the small pox.[2] This may be especially done wherever you

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[2] Smallpox had been, and continued to be a scourge of the Indians. About 1780 a severe visitation of the Assiniboine Indians has been recorded by Alexander Mackenzie in his *Voyages from Montreal*, etc. (London 1801).

"About the same time, two of the establishments on the Assiniboine River were attacked with less justice, when several white men and a greater number of Indians were killed. In short it appeared that the natives had formed a resolution to extirpate the traders; and, without entering into any further reasonings on the subject, it appears to be incontrovertible that the irregularity pursued in carrying on the trade has brought it into its present forlorn situation; and nothing but the greatest calamity that could have befallen the natives, saved the traders from destruction: this was the smallpox, which spread its destructive and desolating power, as the fire consumed the dry grass of the field. The fatal infection spread around with a baneful rapidity which no flight could escape, and with a fatal effect that nothing could resist. It destroyed with its pestilential breath whole families and tribes; and the horrid scene presented to those who had the melancholy and afflicting opportunity of beholding it, a combination of the dead, the dying, and such as to avoid the fate of their friends around them, prepared to disappoint the plague of its prey, by terminating their own existence.

"The habits and lives of those devoted people, which provided not today for the wants of tomorrow, must have heightened the pains of such an affliction, by leaving them not only without remedy, but even without alleviation. Nought was left them but to submit in agony and despair.

"To aggravate the picture, if aggravation were possible, may be added, the putrid carcasses which the wolves, with a furious voracity dragged forth winter. * * * Bring back your party safe, even if it be with less information." A few weeks later Lewis was given an unlimited letter of credit whereby he might draw upon the United States Treasury through the representatives of foreign states in case he found it prudent to return by a route through civilized territory, such as Spanish America, or Russia in Asia.

While the expedition was being organized an important international event changed Louisiana from the territory of a foreign state to the property of the United States. In 1763, Louis XV ceded Louisiana to his Spanish cousin, but Spain did not take possession until 1769, and then found it very difficult to make Frenchmen into good Spaniards. But the Mississippi Valley and the Port of New Orleans was so important to Americans that intrigues quickly developed which showed that Spain could not hope to hold the land permanently. In 1800, Napoleon, drunk with power and ambition, thought to bring back French glory in the New World and put heavy pressure on Spain to relinquish Louisiana to him. After some negotiation a secret bargain was struck at San Ildefonso, but the Spanish refused to ratify it without further dickering. Finally, on October 15, 1802, Don Carlos signed the agreement to accept from Napoleon the Kingdom of Tuscany in exchange for Louisiana. The following spring, Napoleon, embarrassed by a new outbreak of war with Britain, and the rebellion of Toussaint L'Ouverture in San Domingo, summoned two of his ministers and told them his plan for selling Louisiana. Marbois was ordered to open negotiations with Livingston, the American ambassador. On April 30, 1803, Louisiana, with indefinite boundaries, was assigned to the United States for $11,250,000 in 6 per cent stock unredeemable for fifteen years, plus the assumption by the American Government of the debts due by France to American citizens, up to 20,000,000 francs. And thus was purchased, for a little less than $16,000,000, the great territory lying between the Mississippi and the Rockies from Canada to the Gulf of Mexico. On December 20, 1803, the formal transfer was effected.[3]

The expedition left Saint Louis, the mouth of the Missouri River, when the spring floods had abated, on May 14, 1804. The party consisted of twenty-one soldiers, eleven canoe men, frontiersmen, an interpreter (Drouillard, pronounced Drewyer, in which form the name is frequently found), Captains Lewis and Clark, and York, who was Lewis's valet. The summer's journey took

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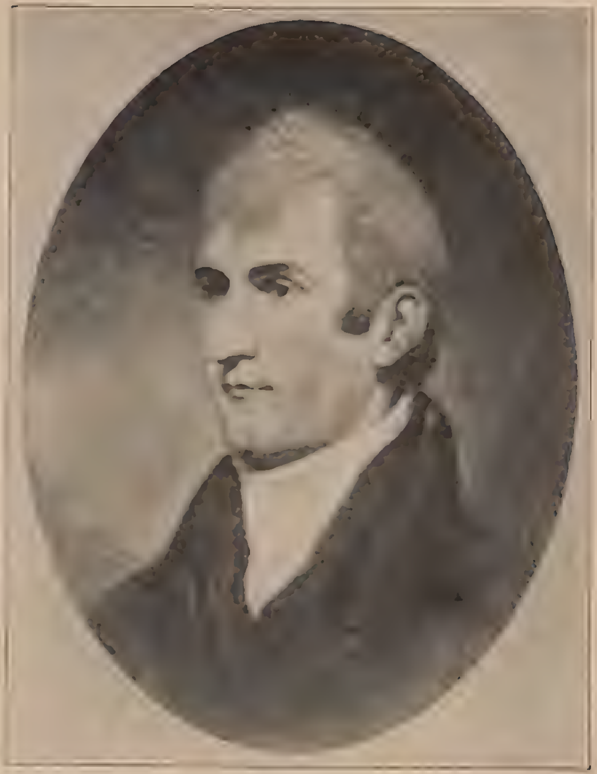
from the huts, or which were mangled within them by the dogs whose hunger was satisfied with the disfigured remains of their masters. Nor was it uncommon for the father of a family, whom the infection had not reached, to call them around him, to represent the cruel sufferage and horrid fate of their relations, from the influence of some evil spirit who was preparing to extirpate their race; and to incite them to baffle death, with all its horrors, by their own poniards. At the same time, if their hearts failed them in this necessary act, he was himself ready to perform the deed of mercy with his own hand, as the last act of his affection, and instantly to follow them to the common place of rest and refuge from human evil."

[3] For an extended narration of the exchanges of Louisiana, see Channing *A History of the United States*, Volume IV, 298-335.

WILLIAM CLARK



MERIWETHER LEWIS

them 1,609 miles upstream to a Mandan village, where they wintered until April 7, 1805.

While among the Mandans, Lewis and Clark held a council which was attended by the grand chiefs (as Lewis called them) of many neighboring tribes. Gifts were distributed and various disputes were settled. An impending war between the Gros Ventres and the Snakes was peacefully settled by negotiations guided by the Americans. This paved the way for their journey westward with peace and friendship among the Indians. Here, too, the party attached to itself a French Canadian as interpreter, Toussaint Charbonneau, who took with him his squaw Sacajawea and their small papoose. Charbonneau had been a servant of the Hudson's Bay Company and was familiar with parts of the region through which Lewis expected to journey.

On April 5, 1805, a party was returned to Saint Louis with letters to President Jefferson reporting on the expedition thus far. Curios such as hides, stuffed animals, bones, Indian dress ornament, and weapons were forwarded to illustrate the ethnology and zoology of the region already traversed. The two hundred eighty miles to the mouth of the Yellowstone was accomplished in nineteen days and then the explorers entered what is now the State of Montana. Thus the date of the second entry of white men in Montana is April 26, 1805.

The party which entered Montana consisted of thirty-two persons, the remainder having returned to Saint Louis. Two interpreters were with them, George Drewyer (or, more correctly Drouillard) and Toussaint Charbonneau, the latter having with him his wife, Sacajawea, and their child. The squaw had been captured in war from her own people, the Snakes, by the Minetarees and sold to Charbonneau. She later proved valuable to the party as an interpreter among her own people. This woman and her husband remained with the party on its 5,000-mile wandering until it returned to the Mandan village in the summer of 1806.

Sacajawea forms an interesting historical problem. Some writers say that she died in Montana, others that she died in the Mandan village in Dakota, and still others in Wyoming. Breckenridge found her in poor health in 1811. In the *Journal of a Fur Trading Expedition on the Upper Missouri, 1812-13*, by John C. Luttig, is to be found a biography prepared by Stella M. Drumm, librarian of the Missouri Historical Society, who edited the journal in 1920. It appears from this biography that Sacajawea was captured by Gros Ventres when she was about ten years old. She was bought by the Frenchman Charbonneau shortly thereafter, and when she was about fifteen bore him, at the Mandan encampment in 1804, her first child, Touissant Junior. According to the journal above mentioned, her second child, Lizette, was born on Lisa's expedition of which Luttig was a member in 1812. Luttig's entry for December 20, 1812, reads as follows:

"Sunday the twentieth, clear and moderate, our hunter say Rees went out and killed 20 cows head and foot was received this evening, purchased a fine dog of the Chajennes, this evening the wife of Charbonneau, a Snake Squaw, died of a putrid fever. She was a good and the best woman in the fort, aged about twenty years. She left a fine infant girl."

Another account of her death gives old age as the cause of her death; and the place of her burial, the burial grounds of the Shoshone Agency on the Wind River Reservation in Fremont County, Wyoming. A bronze tablet 8 by 12 inches in size was presented to the superintendent of the Shoshone Industrial School, who, assisted by other officials, erected a concrete pedestal at the grave. The tablet reads:

Sacajawea
Guide of the Lewis and Clark Expedition
1805-1807
Identified by Rev. John Roberts
Who Officiated in Her Burial April 21, 1884

There are several other memorials: a statue of bronze was erected at the Lewis and Clark Exposition at Portland in 1905; a boulder with a bronze tablet is to be seen at Three Forks erected by the Montana D. A. R.; a statue of her stands at Fort Benton; a monument with bronze tablet inserted stands at Armstead, Montana. Near this spot, at Jefferson Fork, the Lewis and Clark expedition met members of the Shoshoni and received from them horses to assist in crossing the Great Divide. The United States Geological Survey named for her the great peak in the Bridger range overlooking the spot where she was captured. The women and children in North Dakota erected a statue of bronze in Bismarck near the old Mandan village marking the beginning of the journey with Lewis and Clark. She well deserves these many honors for the part she played in guiding the expedition. The name Sacajawea is variously spelled: Sacgawea, Sacajaweah, Sakagawea, Sakakawea, Sakakawa, and Tsakakawea. The most common spelling is Sacajawea.

When Lewis and Clark, on June 2, 1805, reached the mouth of a large tributory flowing from the northwest the question arose as to which branch the party should follow. They did not know, of course, that the right hand channel would take them to what is now the region of Glacier National Park. This was the deeper, but narrower, branch. On June 4, Captain Lewis led six men up the north fork and was gone four days, having ascended the stream fifty-nine miles. Clark explored the other branch for forty-five miles. Then reassembling at the mouth, the party correctly decided that the southerly stream was the true Missouri, and Lewis named the northerly stream Maria's River for his lady love and cousin, Miss Maria Wood.

Past what was later the site of Fort Benton, they went until the beauty of the Great Falls met their delighted gaze. "As he (Captain Lewis) advanced, a spray, which seemed driven by the high southwest wind, arose above the plain like a column of smoke and vanished in an intsant. Toward this point he directed his steps; and the noise, increasing as he approached, soon became too tremendous to be mistaken for anything but the Great Falls of the Missouri. Having traveled seven miles after first hearing the sound, he reached the falls about twelve o'clock. The hills as he approached were difficult of access and 200 feet high; down these he hurried with impatience, and seating himself on some rocks under the centre of the falls, enjoyed the sublime spectacle of this stupendous object which since the creation had been lavishing its magnificence upon the desert, unknown to civilization."

Captain Lewis wrote of this visit, under date of Thursday June 13, 1805:

"This morning we set out about sunrise after taking breakfast off our venison and fish. We again ascended the hills of the river and gained the level country. The country through which we passed for the first six miles though more roling than that we had passed yesterday might still with propryety be deemed a level country; our course as yesterday was generally southwest. The river from the place we left it appeared to make a considerable bend to the South. From the extremity of this roling country I overlooked a most beautiful and level plain of great extent for at least fifty or sixty miles; in this there were infinitely more buffalo than I had ever before witnessed at a view. Nearly in the direction I had been travling or southwest, two curious mountains presented themselves of square figures, the sides rising perpendicularly to the height of 250 feet and appeared to be formed of yellow clay; their tops appeared to be level plains; these inaccessible heights appeared like the ramparts of immence fortifications; I have no doubt but with very little assistance from art they might be rendered impregnable. (These heights are now known as Square Butte and Crown Butte). Fearing that the river boar to the South and that I might pass the falls if they existed between this and the snowey mountains, I altered my course nearly to the South leaving those insulated hills to my right and proceeded through the plain; I sent Fells on my right and Drewyer and Gibson on my left with orders to kill some meat and join me at the river where I should halt for dinner. I had proceeded on this course about two miles with Goodrich at some distance behind me when my ears were soluted with the agreeable sound of a fall of water and advancing a little further I saw the spray arrise above the plain like a collumn of smoke which would frequently disappear again in an instant, caused, I presume by the wind which blew quite hard from the Southwest. I did not, however, loose my direction to this point which soon began to make a roaring too tremendious to be mistaken for any short of the Great Falls of the Missouri. Here I arrived about twelve o'clock having traveled by estimate about fifteen miles. I hurried down the hill which was about 200 feet high and difficult of access, to gaze on this sublimely grand spectacle. I took my position on the top of some rocks about twenty feet high opposite the center of the falls. This chain of rocks appear once to have formed a part of those over which the waters tumbled, but in the course of time has been separated from it to the distance of 150 yards lying parallel to it and a buttment against which the water after falling over the precipice beats with great fury * * * from the reflection of the sun on the spray or mist which arises from these falls there is a beautiful rainbow produced which adds not a little to the beauty of this majestically grand scenery. After writing this imperfect description, I again viewed the falls, and was so much disgusted with the imperfect idea which it conveyed of the scene that I determined to draw my pen across it and begin again, but then reflected that I could not perhaps succeed better than penning the first impressions of the mind; I wished for the pencil of Salvator Rosa (a Titian) or the pen of Thompson; that I (a reference to James Thompson, author of 'The Seasons') might be enabled to give to the inlightened world some just idea of this truly magnificent and sublimely grand object, which has from the commencement of time been concealed from the view of civilized man; but this was fruitless and vain."

From the 13th to the 15th the party encamped here while the hunters killed some of the thousands of bisons to replenish their supply of meat. Bears, elk, deer, antelope, goats and trout supplemented the wild beef, and many rattlesnakes made the men wary. Wolves and eagles were seen. Clark's entry on the 16th told of seeing "great numbers of geese, ducks, crows, blackbird and seeing geese and ducks with their young." Here too Sacajawea lay close to death; while six men were busy with preparing four sets of truck wheels with couplings, tongues and bodies to be used in the seventeen mile portage around the series of falls.

From June 21 to July 14 was required to portage their equipment around the falls. Deer, otters, kingfishers, gnats, mosquitoes, and wild pigeons are now noted in the diaries.

Square Butte, as it is now called, or Fort Mountain, to use Lewis's name, was passed on July 15 "About ten miles distant. This mountain has a singular appearance, it is situated in a level plain, its sides stand nearly at right angles with each other and are each about a mile in extent. These are formed of a yellow clay only without the mixture of rock or stone of any size and rise perpendicularly to the height of 300 feet. The top appears to be a level plain. The prickly pear is now in full bloom and forms one of the beauties as well as the greatest pests of the plains. The sunflower is also in bloom and is abundant—the lamb's quarter, wild cucumber, sand rush and narrow dock are also common here—there are a great abundance of red, yellow and black currants, and service berries now ripe." Lewis tells us that the Indians of the country, who did not cultivate maize, ground the parched sunflower into fine meal, added water and drank it, sometimes adding grease and eating this dough. On the 19th they paddled their canoes through the "Gates of the Mountains" about fourteen miles from the site of the city of Helena, founded sixty years later.

At the Gates of the Mountains

"The misquitoes are very troublesome to us as usual," wrote Captain Lewis, "this morning we set out early and proceeded on very well though the water appears to increase in velocity as we advance. The current has been strong all day and obstructed with some rapids, though these are but little broken by rocks and are perfectly safe. The river deep and from 100 to 150 yards wide. I walked along shore today and killed an Antelope. When ever we get a view of the lofty summits of the mountains the snow presents itself, although we are almost suffocated in this confined valley with heat. The pine ceder and balsum fir grow on the mountains in irregular assemblages or spots mostly high up on their sides and summits. This evening we entered much the most remarkable cliffs that we have yet seen. These cliffs rise from the waters edge on either side perpendicularly to the height of about 1,200 feet. Every object here wears a dark and gloomy aspect. The towering and projecting rocks in many places seem ready to tumble on us. The river appears to have forced its way through this immence body of solid rock for the distance of five and three-fourths miles and where it makes its exit below has on either side vast collumns of rocks and high mountains. The river appears to have worn a passage just the width of its channel or 150 yards. It is deep from side to side nor is there in the first three miles of this distance a spot except one of a few yards in extent on which a man could rest the soul of his foot. Several fine springs burst out at the waters edge from the interstices of the rocks. It happens fortunately that although the current is

LOOKING WEST FROM MISSOULA WHERE LEWIS AND CLARK CROSSED strong it is not so much so but what it may be overcome with the oars for there is here no possibility of using either the card or Setting pale. It was late in the evening before I entered this place and was obliged to continue my route until sometime after dark, before I found a place sufficiently large to encamp my small party; at length such a one occurred on the other side where we found plenty of lightwood and pitch pine. This rock is a black granite below and appears to be of a much lighter color above and from the fragments I take it to be flint of a Yellowish brown and light creemcoloured yellow. From the singular appearance of this place I called it the *Gates of the Rocky Mountains.*[4]

Three Forks was reached on July 25. Clark explored the southwest fork, later named the Jefferson, for a short distance, then swung over to the middle fork, the Madison, and returned to Lewis's camp at Three Forks. Here all trails led; to the north was the Blackfoot country; to the east, the Crows; to the south the Snakes, or Shoshones; to the west, through the passes of the Rockies lay the Nez Perce and Flathead Country; it was on this spot, Lewis tells us, that the Snakes were encamped when attacked by the Minetarees when Sacajawea and a number of others were taken prisoners five years before. On Tuesday, July 30, the canoes were again loaded and the party paddled up the Jefferson, past the present sites of Twin Bridges, Dillon and Grayling, then to the headwaters of the Columbia. In the Bitter Root Mountains, Sacajawea met her kinsmen, and a pow-wow with the Shoshones took place.

From August 20 to the following June 10, the explorers were in the Oregon country west of the Bitter Roots, and so their exploration of the Columbia and their winter encampment among the Clatsop Indians on the coast do not concern our present narrative.

In order the more thoroughly to explore Montana, the two leaders divided the force on June 30, 1806. Captain Lewis led nine men directly to the Falls of the Missouri and left six men there to get the goods around the portage while the remaining six followed Lewis to explore Maria's River. The rest of the party were led by Clark to the head of the Jefferson River, where they were subdivided, Clark, ten men and Sacajawea proceeding across country to the Yellowstone and down that stream to its mouth. All of the three divisions of the party were to meet at the junction of the Yellowstone with the Missouri. Lewis now led his company near the site of Missoula, up the Hell Gate River to the mouth of the Big Blackfoot, across to one of the head streams of the Dearborn, to the Sun River, and down to the Great Falls, which was reached July 11. On July 16, Lewis taking six horses and three men, started north to explore the Maria's River country, leaving Gass with instructions to wait at the mouth of the Maria's until

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[4] "At the entrance to the Gate of the Mountains is a curious elevation, now called the Bear's Teeth, from several peaks of rock which form a fanciful resemblance to those articles." Reuben Gold Thwaites.

Original Journals of the Lewis and Clark Expedition, 1804-1806, Volume II, Part II, page 247.

September first, then to proceed to join Clark at the Yellowstone, with the expectation that Lewis would be at the rendezvous by August 5.

During his exploration of the Maria's River Valley, Lewis and his men met a small band of the Minetarees who invited him to encamp with them. With the aid of the interpreter Drouillard (called Drewyer in the Journals), Lewis was able to converse with these savages, telling them of his explorations and the friendly attitude of the United States Government, which he represented, toward them.

Lewis's journal, dated July 27th, 1806, Sunday, gives an interesting picture of the narrow escape from death the party here underwent: "This morning at daylight the Indians got up and crowded around the fire. J. Fields who was on post had carelessly laid his gun down behind him near where his brother was sleeping, one of the Indians, the fellow to whom I had given the medal last evening slipped behind him and took his gun and that of his brother unperceived by him, at the same instant two others advanced and seized the guns of Drewyer and myself. J. Fields seeing this turned about to look for his gun and saw the fellow just running off with her and his brother's. He called to his brother who instantly jumped up and pursued the Indian with him whom they overtook at the distance of fifty or sixty paces from the camp, seized their guns and rested them from him, and R. Fields, as he seized his gun, stabbed the Indian in the heart with his knife, the fellow ran about fifteen steps and fell dead. Of this, I did not know until afterwards. Having recovered their guns they ran back instantly to the camp. Drewyer who was awake saw the Indian take hold of his gun and instantly jumped up and seized her and rested her from him, but the Indian still retained his pouch. He jumped up and crying, damn you, let go my gun, awakened me; I jumped up and asked what was the matter. I quickly learned when I saw Drewyer in a scuffle with the Indian, for his gun. I reached to seize my gun but found her gone. I then drew a pistol from my holster and turning myself about saw the Indian making off with my gun. I ran at him with my pistol and bade him lay down my gun which he was in the act of doing when the Fieldses returned and drew up their guns to shoot him, which I forbad as he did not appear to be about to make any resistance or commit any offensive act, he dropped the gun and walked off slowly, I picked her up instantly. Drewyer having about this time recovered his gun and pouch asked me if he might not kill the fellow, which I also forbad as the Indian did not appear to wish to kill us. As soon as they found us all in possession of our arms they ran and endeavored to drive off all the horses. I now hollowed to the men and told them to fire on them if they attempted to drive off our horses. They accordingly pursued the main party who were driving the horses up the river and I pursued the man who had taken my gun, who with another was driving off a part of the horses which were to the left of the camp. I pursued them so closely that they could not take twelve of their own horses, but continued to drive one of mine with some others."[5]

Lewis shot one Indian who returned the shot before dying, but his aim was high. The Indians escaped with the horses and Lewis was forced to use some of the Indians' horses in order to escape another attack.

In the meantime Sergant Ordway had come down the Missouri and he and Gass with their contingents made the portage successfully. On July 28, the two parties were united and proceeded down the Missouri to meet Clark.

Clark had led his men across the divide to the present site of Bannack, down the Jefferson to Three Forks, then eastward up the Gallatin River Valley through what was later named Bozeman Pass to the Yellowstone. The river was reached just above Livingston. His path across southern Montana through the Crow country was approximately that chosen by the Northern Pacific railway a half century later. On July 25, he explored and named that interesting butte called Pompey's Pillar. Clark described it as a rock tower two hundred feet high and four hundred paces in circumference, its top accessible only from the northeast side. He found on the top two piles of stones, and on its face engravings of animal figures. He scratched his own name and the date, and over this still visible engraving, the Northern Pacific Railway has placed a grating for protection against vandals. When Clark got to the mouth of the Yellowstone, he found the mosquitoes so bad that he and his men went on further down the Missouri, leaving a note for Lewis, who caught up with them on August 12.

"Thursday, August 12, 1806—at Meridian Captain Lewis was with the party which went by way of the Missouri, as well as that which accompanied him from Travelers rest on Clarks River; I was alarmed on the landing of the Canoes, to be informed that Captain Lewis was wounded by an accident. Captain Lewis informed me the accident happened the day before by one of the men, Peter Crusat, mistaking him in the thick bushes to be an Elk."[6]

The united expedition arrived at Saint Louis September 23, 1806, ending the greatest exploratory expedition ever known on the American continent. And in its journal begins the written history of Montana.

Traders and hunters were beginning to go up the Missouri when Lewis and Clark were in Montana. On August 12, the Clark party passed two Illinois men, Dickson and Hancock, coming up for a hunt. When Lewis and Clark arrived at St. Louis a shrewd Spaniard, named Manuel Lisa, heard their story and engaged their former guide, Drewyer, or Drouillard, to assist him in an expedition for furs up the Missouri. In 1807, Lisa established a fort at the mouth of the Big Horn, the first permanent building to be erected in Montana, where he traded with the Crows. Lisa organized twelve men including Captain Clark, the Chouteau brothers, Reuben Lewis, the only brother of Meriwether Lewis and others, into the Missouri Fur Company, with a capital of $40,000. Of this venture we shall speak further in the chapter on Fur Traders.

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[5] *Original Journal of Lewis and Clark Expedition,* Volume V, Part II, page 223.

[6] *Original Journal of Lewis and Clark Expedition,* Volume V, Part II, page 330.

The German Expedition

The expedition headed by Alexander Phillip Maximilian, Prince of Wied-Neuwied (1782-1867), traveled by boat in what might be called a style deluxe when compared with the Lewis and Clark Expedition which traveled by foot. On the 10th of April 1833 Maximilian and his party, including Bodmer, a well known artist whose illustrations accompanying Maximilian's book are considered the best representing the American Indian in his savage state, boarded the steamer *Yellowstone* at Saint Louis using as their guide a manuscript map of the Lewis and Clark Expedition. Maximilian was a scientist of world fame. His destination on this excursion was the Rocky Mountains. Fort Union at the mouth of the Yellowstone was reached June 24. After a two weeks' rest at the Fort, Maximilian and his party went on upstream to Fort McKenzie, the post of the great Blackfeet Confederacy on Maria's River. There the artist painted portraits of the Indians and Maximilian with his scientists made a careful study of the ethnology of the Blackfeet and the zoology and botany of the region. During his stay at Fort McKenzie, war broke out between the Blackfeet and Assiniboines, making further Rocky Mountain explorations impossible. Maximilian, having gathered valuable information at the Fort decided to visit the Mandan villages. The party returned on a barge built especially for them by the Chief Factor at Fort McKenzie. Maximilian brought down stream several pets, among which were two bears. Granted permission by the American Fur Company, Maximilian and his party wintered at Fort Clark, one of the company's posts near the Mandan villages, North Dakota. It is interesting to note that Maximilian's interpreter was Charbonneau, who had earlier accompanied the Lewis and Clark Expedition. Maximilian was the last scientist to study the Mandans, who perished from smallpox in the great plague of 1837. Even as early as 1832 Maximilian tells us in his journal that the consumption of the bison was enormous. The Fur Company sent 32,000 down the river in one year. The agents of the Company recklessly shot down these noble animals for their own pleasure, often not even making the least use of them except taking out the tongues.

Audubon's Visit

The celebrated naturalist John James Audubon explored the upper region of the Missouri River in 1843, "for the sake" (he writes) "of our work on the Quadrupeds of North America." His journey across the eastern mountains and up the Missouri River had nothing in particular to break the monotony, but his journal contains many valuable notes on the Indians as well as the birds and quadrupeds of this region. He was not very young when he started on this journey and the climate broke his health. He died in 1851.

David Thompson

Thompson's explorations were not merely for adventure. Up to this time there was very little knowledge concerning the source of the Mississippi. Thompson was employed by the Hudson's Bay Company, but they proved to be too conservative for his adventurous mood so he went to the Northwest Company on Lake Superior. He was sent out in 1796, to explore the source of the Mississippi in order to settle a boundary dispute of importance to Canadian traders. He visited the Mandan Villages on the Missouri and explored the Lakes of Manitoba and Winnipeg and the Saskatchewan and Assiniboine rivers. Thompson crossed the divide in 1806 exploring the head waters of the Columbia. He established the trading-post of Kootenay House in northwestern Montana, wintering here (1807-1808) and returning to Saskatchewan in the summer. He came back to Kootenay House to resume his explorations of the Columbia in the fall. His aim was to establish a British tradingpost on the Pacific, but the Americans had already established one at Astoria. Thompson was keenly disappointed but established a rival post at Spokane. Today there is a monument erected to David Thompson at Verendrye, North Dakota, in memory of one of the greatest land geographers and astronomers of the English race.

Summary of the Exploratory Era

We have seen how nothing was known of the region now called Montana in the beginning of the 18th century. The Verendrye party, we have been told, came as far west as the site of Helena and the Gates of the Mountains, but by far the most important study of Montana was made by the United States Government Expedition headed by Captain Lewis. Lewis promised Clark before they started that the command should be evenly divided between the two of them, but this arrangement was wholly optional with Captain Lewis, who was wholly responsible for the success or failure of the enterprise. The commercial work of Manuel Lisa helped much in opening Montana to civilization and the brief visit of Prince Maximilian contributed considerably to the scentific knowledge of the region.

The explorers of the West may be put into three distinct classes. (1) Those whose object was science. Under this division came Michaux, Lewis and Clark, Long, Bradbury, Breckenridge, Wyeth, Townsend, Maximilian, Catlin, Audubon, Schoolcraft and others. (2) Those whose object was commercial, including Captain Grey, Manuel Lisa, Bonneville, Hunt, Fraser, and McKenzie. (3) Those whose only motive was adventure, such as the Verendryes.

For Further Reading

Thwaites, R. G. (Editor) *Early Western Travels 1748-1846.* Clark, Cleveland, 1905, in which may be found Maximilian's travels and De Smet's journals. Wheeler, O. D. *The Trail of Lewis and Clark,* two volumes Putnams, New York, 1904. Thwaites,

R. G. (Editor) *Original Journals of the Lewis and Clark Expedition 1804-1806,* seven volumes, Dodd-Mead, New York, 1905.

Joseph Schafer's *History of the Pacific Northwest* (Macmillan, 1918) contains two interesting chapters on Lewis and Clark's Expedition, "The Origin of the Expedition" (III) and "Opening a Highway to the Pacific" (IV).

William R. Lighton has published in Houghton Mifflin's Riverside Biographical Series an excellent little biography entitled, "LEWIS AND CLARK" (1901) and Dr. Grace R. Hebard, in her *Pathbreakers from River to Ocean* has an interesting chapter on the Early Explorers which discusses the journey of the Verendryes and Lewis and Clark (University Publishing Company, Lincoln, Nebraska).

CHAPTER V

THE FUR TRADE IN THE NORTHWEST

The period of the Fur Trade is a most romantic, interesting and important era in the History of Montana. Not only did the trapper add to the economic values of his time, but it was also he who first explored and established the routes of travel which developed into the avenues of commerce. These trappers were the true pathfinders of the West rather than those later official explorers whom posterity so recognizes. "No feature of western geography," said Chittenden, "was ever discovered by government explorers after 1840. Everything was already known and had been for fully a decade. It is true that many features like the Yellowstone wonderland, with which these restless rovers were familiar were afterward forgotten and rediscovered in later years, but there has never been a time until very recently when the geography of the west was so thoroughly understood as it was by the trader and trapper from 1830 to 1840."

Not only did the trapper contribute much to the information of the white man but he also exerted a profound and farreaching influence upon the destiny of the Indian. While it is unfortunately true that the fur trade brought with it corrupting vices and destructive diseases, it also brought to the savage his first lesson in civilization. The servants of the fur trading companies mingled their blood with the Amerind, learned his language and customs, understood his character, and, when business relations did not dictate otherwise, treated him as a man and as a brother. The fur trader understood the Indian much better than has any other class of white man understood the savage. Indian agents, army officers, missionaries, all failed apparently to understand the Indian character sufficiently to live in permanently amicable relations with him. The Indian, on his part, seemed to understand that the trader was not an enemy. He bartered with him, fed him, and gave him his daughter in marriage.

Not only did the fur trade contribute to geographical knowledge and to the ethnological relationship of the Amerinds, but it also contributed largely to other realms of science, namely zoology and botany.

The Canadian Fur Trade in the Northwest

It will be remembered that when Lewis and Clark were ascending the Missouri they met fur traders coming down stream bound for that great fur mart, Saint Louis. These fur traders were not new adventurers in this enterprise, for this region of the upper Missouri had been a gathering ground for furs for the Canadian companies during at least a quarter century prior to this time.

Lahontan writing in 1703 said, "Canada subsists only upon the trade of skins or furs, three fourths of which come from the people that live around the Great Lakes." One of the most important companies of the Canadian fur trade was the Hudson's Bay Company, chartered at London for this purpose by Charles II in 1670, a company whose history unfortunately has never been adequately written. With true British reserve its officials have opened its records but sparingly to the researches of the historian on the plea that they intend to have an authoritative history prepared under their own supervision. Not many years ago an American woman whose historic writings have made her prominent, made research in the Hudson's Bay Company's records much more difficult for historians by violating certain confidences reposed in her by the company's officials; thereafter it required particular influence for American historians to gain access to the records. External sources in great abundance, however, are available for a study of this great corporation.

EAGLE NEST ROCK
GARDINER CANYON

The Hudson's Bay Company was not only an economic corporation; it also had certain quasi-governmental functions, for it operated in a region where no white man's law except that enforced by itself held sway. The factors of its remote posts were not only merchants but were also law givers, judges, physicians, and sometimes priests as well,—for they read the marriage covenant before the young and the burial service over the dead.

So far as is known, the first white man to visit the region now known as Glacier National Park and its environs was Hugh Monroe, a servant of Hudson's Bay Company. His father, Hugh Senior, was a captain in the British army who married Amelie de la Roche. Hugh Junior was born at Montreal in 1798. At the age of sixteen he was employed by Hudson's Bay Company and was sent to their new post, Mountain Fort, on the north fork of the Saskatchewan, close to the foothills of the Rockies. This fort was just beginning (1815) to trade with the Blackfeet, and they had no interpreter. So young Monroe was assigned the task of learning this difficult language. A band of Blackfeet were leaving the Fort to hunt and trap along the Missouri and its tributaries and Monroe went with them. Their headsman took with him his nineteen wives and an immense herd of ponies. Their route lay along the foot of the mountains to Sun River on whose banks they camped for the winter of 1815-1816. In the spring they crossed the Missouri to the Yellowstone basin, hunted all that summer and wintered at the mouth of Maria's River.

Thus, instead of one year, as Hugh had expected, he had spent two years with the Blackfeet in the country east of the Rockies, entirely cut off from civilization. He acquired not only a knowledge of the language, but also a comely Blackfoot princess as his wife. In the meantime, another interpreter had been found, so Monroe was ordered to remain among the Piegans to see that they brought their furs to Mountain Fort for American Fur Companies were competing for the trade. By bravery in fighting the Crows during his stay in the Yellowstone country, Hugh Monroe won the name Ma-kwi-i-po-wak-sin, meaning Rising Wolf. The great peak, a massive snow-crowned height of red and gray rock, which rises from the north shore of Upper Two Medicine Lake, stands an everlasting memorial to him for it is called Rising Wolf Mountain.

At one time a party of Blackfeet, Monroe being with them, discovered a dozen Shoshones and as many whites, among whom was James Bridger. Only the skillful diplomacy of Monroe prevented bloodshed, but the evening was spent with the peace pipe around a mutual camp fire. Monroe was buried in 1896 in the cliffs of the Two Medicine River.

A method of taking wolf pelts used by Monroe was to make an oblong, pyramidal log pen about eight by sixteen feet, and eight feet high. Below the top layer of logs an eighteen inch space was left through which the wolves would jump when attracted by the bait inside. The animals could easily climb up to the hole on the outside, but once inside they would have to await the arrow or spear of the trapper. First class pelts were in those days worth five dollars. The region also furnished beaver, otter, mink, marten and fisher.

Under the Spanish rule of the province of Louisiana the firm of Maxent, Laclede and Company, sometimes known to historians as the Louisiana Fur Company, was chartered as early as 1762. This firm sent Auguste Chouteau up the Mississippi and near the mouth of the Missouri he laid out the fort which later became the city of Saint Louis February 15, 1764. Here furs were gathered from the Missouri Valley.

The third company to begin fur trading in the upper Missouri was called the Northwest Company. This concern was organized in Montreal about 1800 and was composed of several Scotch merchants. Since there was no governmental supervision of trade in the Northwest, these men introduced fire arms and whiskey much to the injury and degradation of the Indians.

The liquor which found its way into the Indian country was a baneful object to begin with. Its sale to the Indian degenerated into a systematic fraud sometimes amounting, "to a sheer exchange of nothing for the goods of the Indian." The shrewd trader first got his victim so intoxicated that he was unable to bargain. As the Indian became more greedy for liquor the voracious merchant not satisfied with selling his whiskey at an exorbitant profit would begin to cheat in quantity as well. The drunken Indian would fail to note that the big thumb of the trader was included in the measure of liquor thereby diminishing the quantity of whiskey purveyed by almost a third. Sometimes this trick was played by the substitution of a cup whose bottom had been thickened by running tallow into it or the liquor might be diluted as the Indian's intelligence became more befogged until the drink sold was nearly pure water.

The use of liquor in this fur traffic increased when American companies began to compete. Before the shipment of liquor into the Indian country was entirely prohibited by the Federal government it was possible to connive with officials for a license to ship liquor up the Missouri ostensibly for the use of American citizens employed by the fur companies, but actually to be used in the Indian trade. For example, permission was granted to William L. Sublette in 1832 to take "not exceeding four hundred fifty gallons of whiskey for the special use of his boatman," although the expedition went overland all the way to the Rocky Mountains and back, and did not employ, nor expect to employ, a single boatman.

Under date of April 25, 1828, Pierre Chouteau Junior, in a letter to Kenneth McKenzie wrote, "the government does not allow us to use liquor in our trade with the Indians. On the contrary it is expressly forbidden, but it is permitted to take one gill each day for each boatman during the period of their absence—that is for twelve months. It is on this ground that I have obtained permission to take an amount corresponding to fifty men, twenty-seven of whom set out from here and with twenty-three are now up the country. I took the names of those who are with you without knowing whether you will keep them or send them back, that makes no difference however for I explained the matter to General Clark."[1]

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[1] The General Clark here mentioned is the William Clark of the Great Expedition. He was born in Virginia August, 1770, and emigrated with his family at the age of fourteen to Kentucky, settling on the present site of Louisville, where his brother George Rogers had erected a fort. His mili-

When Congress was considering a bill for the absolute prohibition of the importation of liquor into the Indian country it was protested that this would have the effect of ruining the American business by the transfer of all business to the British companies which would not be so handicapped. It was the opinion of all concerned in the trade that the Indians would refuse to trade with any posts which would not furnish them liquor and give their entire business to liquor-selling companies. Nevertheless the bill became a law in July, 1832.

Manuel Lisa and Company

The man who organized the first American fur company was Manuel Lisa. This Indian trader was born of Spanish parents in the New Orleans, September 8, 1772, and probably came to Saint Louis about 1790. Some ten years later he secured from the Spanish government a license for a monopoly of trade with the Osage Indians, thus displacing Pierre Chouteau. When Lisa learned from the Lewis and Clark Expedition of the presence of beaver in the upper Missouri, he engaged as his guide and chief counciller, George Drouillard, the interpreter of the expedition. In the spring of 1807 Lisa and his party left Saint Louis in a keelboat. They were fortunate in meeting at the mouth of the Platte a boat containing a single passenger who proved to be John Colter, a man who thoroughly knew the Rocky Mountain region, who explored the beaver meadows and knew the beaver inhabited streams.[2] Here

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tary experience began at the age of eighteen serving in several capacities. After his return from the Pacific Coast he was appointed Indian Agent and brigadier-general for the Territory of Upper Louisiana with headquarters at Saint Louis. From 1813 to 1821 he was governor of Missouri Territoy. In 1822 President Monroe made him superintendent of Indian affairs at Saint Louis, in which office he remained until his death, September 1, 1838.

[2] John Colter, a Virginian by birth, was introduced to the West by his membership in the Lewis and Clark Expedition. Upon the homeward journey, he decided to remain in the Rocky Mountains rather than accompany his fellows to Saint Louis and with the permission of the commander left the party just below the mouth of the Yellowstone River on August 15, 1806, in company with two trappers who had accompanied the Expedition but were not in its pay. Colter and the trapper were supplied with powder, lead, and other useful articles and returned to the mountains.

When Lisa had met him at the Platte and had taken him back to the mountains in the spring of 1807, he was dispatched alone to the various Indians of the vicinity to inform them of the new establishment of Fort Lisa for trading purposes at the mouth of the Big Horn. Colter's wanderings while on this journey, have never been definitely known. It is, however, probable that he proceeded from the Big Horn to the Wind River, going up that valley to Pierre's Hole thence over the Wind River Mountains by way of Union Pass and across the Tetons by way of Teton Pass.

Somewhere in this journey the little band of Crows with whom Colter was traveling was attacked by a war party of Blackfeet. In the battle Colter was severely wounded in the leg. Since this fight destroyed his usefulness as a negotiator with the Blackfeet for trading purposes, he determined to retrace his steps to the Big Horn where Manuel Lisa awaited his return. He therefore plunged into the deep forest of the northern slope of the Teton Mountains and penetrated that surpassingly beautiful basin which contains Yellowstone Lake and canyon. In this region he saw the boiling springs and geysers, whose report to civilization won for Colter the reputation of being a prevaricator.

In May, 1810, upon his return to Saint Louis he was seen by the explorer

John Bradbury, to whom he told the following story of his narrow escape from the Blackfeet Indians.

"In a few minutes afterwards their doubts were removed by a party of Indians making their appearance on both sides of the creek, to the amount of five or six houndred, who beckoned them to come ashore. As retreat was now impossible Colter turned the head of the canoe to the shore; and at the moment of its touching, an Indian seized the rifle belonging to Potts; but Colter, who is a remarkably strong man, immediately retook it, and handed it to Potts, who remained in the canoe, and on receiving it pushed off into the river. He had scarcely quitted the shore when an arrow was shot at him, and he cried out, 'Colter, I am wounded.' Colter remonstrated with him on the folly of attempting to escape and urged him to come ashore. Instead of complying, he instantly leveled his rifle at an Indian, and shot him dead on the spot. This conduct, situated as he was, may appear to have been an act of madness; but it was doubtless the effect of sudden, but sound reasoning; for if taken alive, he must have expected to be tortured to death, according to their custom. He was instantly pierced with arrows so numerous, that, to use the language of Colter, 'he was made a riddle of.' They now seized Colter, stripped him entirely naked, and began to consult on the manner in which he should be put to death. They were first inclined to set him up as a mark to shoot at; but the chief interfered, and seizing him by the shoulder, asked him if he could run fast? Colter, who had been some time amongst the Kee-kat-sa, or Crow Indians, had in a considerable degree acquired the Blackfeet language, and was also well acquainted with Indian customs. He knew that he had now to run for his life, with the dreadful odds of five or six hundred against him, and those armed Indians; he therefore cunningly replied that he was a very bad runner, although he was considered by the hunters as remarkably swift. The chief now commanded the party to remain stationary, and led Colter out on the prairie three or four hundred yards, and released him, bidding to save himself if he could. At that instant the horrid war whoop sounded in the ears of poor Colter, who, urged with the hope of preserving life, ran with a speed at which he was himself surprised. He proceeded towards the Jefferson Fork, having to traverse a plain six miles in breadth, abounding with the prickly pear, on which he was every instant treading with his naked feet. He ran nearly half way across the plain before he ventured to look over his shoulder, when he perceived that the Indians were very much scattered, and that he had gained ground to a considerable distance from the main body, but one Indian, who carried a spear, was much before all the rest, and not more than a hundred yards from him. A faint gleam of hope now cheered the heart of Colter; he derived confidence from the belief that escape was within the bounds of possibility; but that confidence was nearly being fatal to him, for he exerted himself to such a degree, that the blood gushed from his nostrils, and soon almost covered the fore part of his body. He had now arrived within a mile of the river when he distinctly heard the appalling sound of footsteps behind him, and every instant expected to feel the spear of his pursuer. Again he turned his head, and saw the savage not twenty yeards from him. Determined if possible to avoid the expected blow, he suddenly stopped, turned round, and spread out his arms. The Indian, surprised by the suddenness of the action, and perhaps at the bloody appearance of Colter, also attempted to stop; but exhausted with running, he fell whilst endeavoring to throw his spear, which stuck in the ground, and broke in his hand. Colter instanty snatched up the pointed part, with which he pinned him to the earth, and then continued his flight. The foremost of the Indians, on arriving at the place, stopped till others came to join them, when they set up a hideous yell. Every moment of this time was improved by Colter, who, although fainting and exhausted, succeeded in gaining the skirting of the cottonwood trees, on the borders of the fork, through which he ran, and plunged into the river. Fortunately for him, a little below this place was an island, against the upper point of which a raft of drift timber had lodged. He dived under the raft, and after several efforts, got his head above water amongst the trunks of trees, covered over with smaller wood to the depth of several feet. Scarcely had he secured himself, when the Indians arrived on the river, screeching and yelling, as Colter expressed it, 'like so many devils.' They were frequently on the raft during the day, and were seen through the chinks by Colter, who was congratulating himself on was the very man needed by Lisa who immediately induced Colter to return with him. The party proceeded to the mouth of the Yellowstone and thence up that stream to the mouth of the Big Horn River. Here Lisa established a fort, probably the first permanent building to be erected within the present boundaries of Montana. After trading with the Crows and obtaining a rich supply of furs, Lisa returned to Saint Louis in the summer of 1808. Lisa was a man of great ability, a masterly judge of men, well versed in the methods of Indian trade and native customs, intensely active in his work, apparently strongly loyal to the American Government, unscrupulous where business advantage could be gained, and always alert to take advantage of any opportunity that was offered.

Upon his return to the Mississippi Valley he organized the Saint Louis Missouri Fur Company March 9, 1809, for the purpose of exploiting the Montana fur trade in the region which had been by him personally surveyed the year before. The company was composed of twelve members including Manuel Lisa, William Clark, Reuben Lewis, the only brother of Captain Meriwether Lewis, Pierre Chouteau,[3] Auguste Chouteau, Andrew Henry, and others. The capital investment was about $40,000.

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his escape, until the idea arose that they might set the raft on fire. In horrible suspense he remained until night, when hearing no more of the Indians, he dived from under the raft, and swam silently down the river to a considerable distance, when he landed, and traveled all night. Although happy in having escaped from the Indians, his situation was still dreadful; he was completely naked, under a burning sun; the soles of his feet were entirely filled with the thorns of the prickly pear; he was hungry, and had no means of killing game, although he saw abundance around him, and was at least seven days' journey from Lisa's fort, on the Big Horn branch of the Roche Jaune River. These were circumstances under which almost any man but an American hunter would have despaired. He arrived at the fort in seven days, having subsisted on a root much esteemed by the Indians of the Missouri, now known by naturalists as *psoralea esculenta.*"

[3] The Chouteau family has played so prominent a part in the development of fur trade of the Upper Missouri Valley that some notice of the personnel is desirable. Auguste, who was born at New Orleans in 1739, was sent with a band of workmen in 1763 to the site of Saint Louis with instructions to make a clearing and to build cabins for the accommodation of men and storage of goods for the firm of Maxent, La Clede and Company. Pierre La Clede Ligueste, the junior partner, was in charge of the operations in Northern Louisiana and it was under his orders that Auguste Chouteau performed his task. Saint Louis thus became the home and center of operations of the Chouteau family. By the time Saint Louis became an American possession Auguste Chouteau was living in a very substantial stone house, almost a fortress in strength, and in it he had a good private library, said to have been strong in works relating to the history of America and probably composed of books sent from France for the Jesuit college at Kaskaskia. Books were a great rarity in Upper Louisiana in those days.

His brother Pierre, who was likewise born in New Orleans, but ten years later than Auguste, joined him in the expedition sent to establish the fur trade west of the Mississippi. The Chouteaus had a remarkable influence with the Indians. Pierre, under the instruction of Governor Lewis, concluded a treaty with the Osages in 1808 by which it was agreed that the boundary between them and the whites should begin at Fort Clark, a post on the Missouri thirty-five miles below the mouth of the Kansas, and extend due south to the Arkansas and down the same to the Mississippi. All the land east of this line, comprising some fifty million acres, was ceded to the United States.

The first expedition of this company left Saint Louis in the spring of 1809. They spent the following winter in the Crow country, that is to say along the Yellowstone River in what is now central Montana. The following spring Andrew Henry, one of the partners in the company, led a party west to Three Forks and there built a post about two miles above the confluence of the Madison and Jefferson rivers between these two streams.

This fort was barricaded with a double stockade of logs set three feet deep inclosing an area about three hundred feet square. The shifting course of the Jefferson River has since eaten away

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The name of Chouteau was for many years a passport which commanded safety and hospitality among the western Indians.

Auguste Chouteau died at Saint Louis, 24 February, 1829, and his brother Pierre died here 9 July, 1849.

Pierre Jr. was born at Saint Louis 19 January, 1789, and died there 8 September, 1865. He early became a clerk in his father's and uncle's establishment but soon entered into business independently. Following the Indians as they receded from point to point, he established fur trading posts on the sites now occupied by the cities of Saint Joseph, Kansas City, Belview, and Council Bluffs and at Fort Pierre, Fort Berthold, Fort Union, and Fort Benton. About 1806 he was trading with the Sacs and Foxes, ascending and descending the rivers in canoes. He had trading posts all along the Osage river and the Mississippi. He and his brother Francois traveled through the region now occupied by the states of Missouri, Kansas, and Nebraska, establishing posts and buying out independent traders. In 1834 he and his partners purchased the interest of John Jacob Astor in the American Fur Company.

In 1839 he formed an organization known as Pierre Chouteau Jr. and Company, which gradually acquired a very extensive business, extending its operations southward as far as Texas, northward to the Falls of Saint Anthony, and monopolizing the fur trade of the Upper Missouri; as well as controlling the Santa Fe trade with the New Mexico. Since this enterprise involved the purchase and sale of goods at the seaboard and in Europe, Mr. Chouteau for many years resided in New York City. In 1819 he assisted in framing the first constitution of Missouri but with this exception he never engaged in politics.

Auguste Pierre was another son of Pierre Chouteau Sr., born at Saint Louis on 9 May 1786 and died at Fort Gibson 29 December 1848. He entered West Point and served on the staff of General James Wilkinson, resigning from that service on January 1807. The following year he went up the Missouri with Manual Lisa's expedition, and again in 1809. During the war of 1812, when a general Indian uprising in the Mississippi valley seemed almost certain, he served as a captain of militia. At the close of the war he formed a partnership with Jules de Mun, engaging in the Indian trade of the Arkansas and Platte valley. Their expedition had the misfortune to meet a band of Comanche Indians at a place afterwards known as Chouteau's Island in the Arkansas river. They made their way into the Spanish city of Santa Fe and were there arrested by the authorities for attempting to trade without a license. Their goods were confiscated and they were expelled from the province. About 1820 Auguste Pierre took charge of the Chouteau trading post on the Neosho river and this became his home for the rest of his life. Here he entertained Washington Irving and Latrobe on their tour of the prairie in 1832. Two years later he accompanied the military expedition to the Red river country to visit the Wichita, Kiowa, and Comanche Indians. He served as a commissioner in negotiating a treaty with the Wichita and other tribes at Camp Holmes in 1837.

The Chouteau family is now extinct. The little village in Indian territory by that name is now no longer shown upon the map, but the memory of the family is perpetuated by a creek in South Dakota, a county in Montana, and a county seat (Teton county of Montana) where the name is misspelled. By action of the State Legislature the former misspelling of Chouteau county was corrected.

the land on which the fort stood so that not even the site remains. When Henry abandoned the fort he left behind him a blacksmith's anvil which remained there thirty or forty years, regarded by the Indians with awe and superstition, in the belief that it was some "great medicine" of the white man.

One of the Montana pioneers of the sixties has left the following description of the interior arrangements of these forts.

"The store and warehouse, or two stores, were built on each side of the gate, and on the side next to the interior of the fort the two buildings were connected by a gate similar to the main gate, the space between the buildings and stockade filled in with pickets, making a large, strong room, without any roof or covering overhead. In each store, or stores, about five feet from the ground, was a hole eighteen inches square, with a strong shutter-fastening inside of the store, opening into the space or room between the gates. When the Indians wanted to trade, the inner gate was closed; a man would stand at the outer gate until all the Indians that wanted to trade, or as many as the space between the gate would contain, had passed in; then he would lock the outer gate, and go through the trading hole into the store. The Indians would then pass whatever articles each one had to trade through the hole to the trader, and he would throw out of the hole whatever the Indians wanted, to the value in trade of the article received. When the party were done trading, they were turned out and another party admitted. In that way of trading, the Indians were entirely at the mercy of the traders, for they were penned up in a room, and could all be killed through loop holes in the store without any danger to the traders."

This region of the Three Forks was found to be a very rich beaver country, but whatever natural advantages favored the location they were more than counter-balanced by the extreme hostility of the Blackfeet. The Indians watched carefully for every opportunity to slay members of the party, who scarcely dared to go beyond their fortification. The Blackfeet stole their guns and ammunition, their traps, their horses, and the furs that they had collected.

Accordingly, after twenty members of the expedition had been killed, Henry decided to abandon the fort and with great difficulty crossed the Continental Divide in the dead of winter. He finally settled on a fork of the Snake River, which has been given his name, and constructed a trading post. The Shoshones were friendly and trading was fairly successful. The little garrison was entirely dependent for food upon the game which was very scarce. In 1811 Henry moved eastward with a cargo of beaver.

In the meantime, the other members of the Lisa party who had remained in Montana found the winter of 1810-11 a very severe one. Game was scarce and all these discouragements of bad weather, bad Indians, and little food led to the breaking of the party into small groups.

Owing to these difficulties Lisa reorganized the company on January 24, 1812, whereby the interest of the old Missouri Fur Company was sold for $27,000 to a new company frequently called

"Manuel Lisa and Company," which is to say that Lisa retained control. The reader will remember that at this period the United States Government was having war with Britain. Although our general United States histories do not describe the affairs of this time in the Far West, Montana had to fight during the War of 1812 and consequently the fur trade suffered until 1819. The British Northwest Fur Company continually embroiled the Indians with the Americans. During the war Lisa was appointed subagent for the Indian tribes in the upper Missouri, a position which he retained until his resignation in 1817. The wealth that he gained in trading led to much criticism. It was thought that he must either cheat the government or the Indians in his relation as agent. Denying this, he said in his resignation: "'Cheat the Indians'! The respect and friendship which they have for me, the security of my possessions in the heart of their country, respond to this charge, and declare with voices louder than the tongues of men that it cannot be true. 'But Manuel Lisa gets so much rich fur.' Well, I will explain how I get it. First I put into my operations much activity. I go a great distance while others are considering whether they will start to-day or tomorrow. I impose upon myself great privations. Ten months out of the year I am buried in the depths of the forest at a vast distance from my own house. I appear as the benefactor, not as the pillager of the Indian. I carried among them the seed of the large pumpkin from which I have seen in their possession fruit weighing one hundred sixty pounds. Also the large bean, the potato, the turnip; and these vegetables now make a comfortable part of their subsistence; and this year I have promised to carry the plow. Besides, my blacksmiths work incessantly for them, charging nothing. I lend them traps, only demanding a preference in their trade. My establishments are the refuge of the weak and of the old men no longer able to follow their lodges; and by this means I have acquired the confidence and friendships of these nations, and the consequent choice of their trade."[4]

Lisa was able to turn the Missouri River Indians against the Iowas, who were British allies, and when peace was proclaimed several thousand warriors were planning an expedition against the pro-British tribes of the upper Mississippi.

A river-man by the name of John C. Luttig has left a diary of a trip made by Lisa in 1812-13 up the Missouri. One of his entries reads: "This morning we left our old she cat at camp; at breakfast I missed her and Mr. Manuel sent a man for the cat; he returned in the evening with the cat. To our great satisfaction this remark may seem ridiculous but an animal of this kind is more valuable in this country than a fine horse. Mice are in great abundance and the Company has lost for want of cats, several thousand dollars in merchandise which were destroyed at the Big bellies (Gros Ventres) station." It took this company from May to September to get from Saint Louis to Montana. One day's trading brought them seventy-five beaver skins, two muskrat, four dressed buffalo skins, seven white bear (that is, grizzly), ten robes (buffalo), five otter, three foxes, one wild cat, four hundred fifty pair moccasins and a quantity of meat.

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[4] Quoted by Chittenden, American Fur Trade III 899-902. Probably a translation from the French. Lisa could not speak either French or English distinctly, a fact which occasioned some difficulty in communication with his third wife, Mrs. Mary Hempstead Keeney (1782-1869), who could speak only English.

Since Lisa's morality has been severely questioned by some historians, particularly with reference to the treatment of an Indian wife, it is perhaps as well that some of the circumstances should be here narrated in order that the reader may understand clearly the circumstances on which this charge is based. In 1814 Lisa, in order to ingratiate himself in the good will of the Omaha tribe, sought the hand of a daughter of one of the principal families of the nation and was married to her with due ceremony after the Indian customs. The woman was allowed to remain among her own people and presented him with two children, a daughter, Rosalie, born in 1815, and a son Raymond, born in 1816. In the fall of 1817 Lisa's first wife, a white woman, died and after he returned from Fort Lisa (Montana) in the following summer, he married Mary Hempstead Keeney, the widow of John Keeney, August 5, 1818. When he took her up the Missouri in the fall of 1819 he sent word to have his Indian wife, Mitain, removed from the neighborhood of Fort Lisa.

When Lisa was preparing to leave for Saint Louis in the spring of 1820 he sent for Mitain and informed her that he intended to take their son to Saint Louis to be educated. The mother being overpowered with grief seized the child and escaped. The next morning she went back, presented the child to her husband, and said that she knew the child would be better off among the white people but begged that he would take her also. She promised that she would not trouble him but would live anywhere that he might provide for her if only she could be permitted to see her children. (The daughter Rosalie had already been taken back to Saint Louis.) Lisa was inflexible. He offered her presents and told her to go back to her people since their relationship could no longer continue. The unhappy woman protested that Lisa had ruined her opportunities for marriage among her own people and was now attempting to carry away her children. At this point the Indian agent interfered and forbade him to take the child from its mother, the boy being then only four years of age.

Lisa died at Saint Louis August 12, 1820, aged about forty-eight years. In his will he directed his executor to provide for the education of his two Indian children and bequeathed to them $2,000 each at their majority. Since all of Lisa's other children died without issue it is through his Omaha children, that he had further posterity, if any.

In 1819, an expedition of the Missouri Fur Company left Saint Louis. Immel (or Emmill) and Jones led the expedition to disaster. Unfortunately, no record of this company has come down to us, save as it has been told by Blackfoot tradition, and the report of Ben O'Fallon, the United States agent for Indian affairs, who was not an eye-witness. A messenger brought the agent the disturbing news that Jones, Immel, and five others had been killed at the mouth of a creek flowing into the Yellowstone. This is all that was ever learned concerning the end of this ill-fated expedition. Some beaver skins bearing their mark were later found among the Blackfeet.

O'Fallon wrote, "The express goes on to state 'that many circumstances (of which I will be apprised in a few days) have transpired to induce the belief that the British traders are exciting the Indians against us, either to drive us from that quarter or reap, with the Indians, the fruits of our labor.'" It should be remembered that the British did not officially recognize the 49th parallel as the southern boundary of British possessions until 1818; and it is possible that the British traders were as yet unaware that their government had recognized the American claim to the territory which was to be Montana.

The Rocky Mountain Fur Company

The death of Manuel Lisa opened the way for the organization of a new company of fur traders in the region which he had been exploiting, for now his keen mind would no longer make competition too keen for less able men at the headwaters of the Missouri. On April 15, 1822, a new company taking the name of The Rocky Mountain Fur Company was organized at Saint Louis. In this company, either as owners or servants, were associated many prominent names in the history of the trade. William Henry Ashley was the organizer. Among his associates were: Jedediah S. Smith, David E. Jackson, Milton Sublette, his brother William L. Sublette, William Campbell, James Bridger, Thomas Fitzpatrick, Samuel Tulloch, James P. Beckwourth, Etienne Provost and others.

William Henry Ashley, the organizer, was born in the Powhatan County, Virginia, in 1778. Little is known about his early career in Saint Louis, where he arrived in 1802. The real estate business, the manufacture of gunpowder, and mining enterprises attracted his attention. His title of General dates from 1822, when he was then highest in command of the state militia. Prior to this distinction he had been taking an active part in the organization of the militia and gradually worked his way up in authority from captain in 1813 to colonel in 1819. In 1820 he was elected to the office of lieutenant governor for the newly admitted State of Missouri.

In the summer of 1824 he was defeated in his candidacy for the office of governor, but after this his fortune took a turn for the better and by 1828 he was a rich man and the most influential man in Missouri next to Senator Benton. He was elected as senator to the United States Congress in 1831 to fill the unexpired term of the Hon. Spencer Pettis who fell in a duel with Thomas Biddle. Ashley was twice reelected, continuing in office until the close of President Jackson's administration March 4, 1837. Mr. Ashley's health had failed before his term expired. He returned to his beautiful home in Missouri where he died March 26, 1838.

The great financial risk connected with an expedition to the Rocky Mountains made it advisable to spread that risk as broadly as possible; and the enormous expense of such an effort was more than any one man could invest unless he was wealthy. Boats had to be purchased to haul the trade goods and supplies upstream. Horses had to be obtained to give the men greater mobility and thus to enable them to work more quickly. In Ashley's time the Crow Indians had not been trained to bring their furs to a post for barter. The traders had to go to the Indians. Guns, ammunition, clothing, and camp equipment added to the bulk of the trade goods. These consisted of paint, beads, cotton prints, mirrors, knives and many small articles which the Indians could not make for themselves. Hoop iron was much desired, for, with a file, it could be worked into arrowheads.

One of the original partners of the Rocky Mountain Fur Company was Andrew Henry, who had earlier been associated with Manuel Lisa in the fur trade. Henry was born about 1775 in Fayette County, Pennsylvania. There is no record of his having been interested in fur trade prior to his association with Manuel Lisa and after his unfortunate adventures in this association he devoted himself to the mining industry in Missouri. "Henry is described as tall and slender, a commanding presence with dark hair and light eyes inclined to blue. He was fond of reading and played the violin well. He was not a member of any church but was a believer in the Christian religion. He was evidently a man of acts rather than of words, and no letter or recorded expression of his come down to us. We know only his signature which may be seen with that of others at the foot of the articles of incorporation of the Missouri Fur Company."[5]

LAKE YELLOWSTONE

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[5] These biographical details as well as others pertaining to this company have been abridged from the monumental work of Captain Hiram M. Chittenden, who, in his great work "The American Fur Trade of the Far West," published in 1902 a most complete history of the fur gathering operations of the upper Missouri.

Jedediah S. Smith, another one of the partners of the Rocky Mountain Fur Company, was in many respects one of the most remarkable men ever engaged in this business. "Smith was a bold, outspoken, professing and consistent Christian, the first and only one known among the early Rocky Mountain trappers and hunters. No one who knew him well doubted the sincerity of his piety. He had become a communicant of the Methodist Church before leaving his home in New York and in Saint Louis he never failed to occupy a place in the church of his choice, where he gave generously to all objects connected with the religion which he professed and loved. Besides being an adventurer and hero, a trader and a Christian, he was himself inclined to literary pursuits and had prepared a geography and atlas of the Rocky Mountain region extending perhaps to the Pacific, but his death occurred before its publication."[6]

Smith entered the service of Ashley and Henry at the early age of eighteen years, in the spring of 1823. His perilous adventures carried him into Montana, the Oregon country, and the Mexican provinces. In 1826 he became the senior member of the firm of Smith, Jackson and Sublette. Five years later, having embarked in the Santa Fe trade, he lost his life on the Cimarron. Although dying in his early manhood, he had seen much more adventure than ordinarily falls to the lot of the greatest explorers.

Of the four Sublette brothers who distinguished themselves in the fur trade, William L. (1799-1845) was the most famous and the richest. From a passport issued in 1841 we gain the following description of his appearance: "Height six feet two inches; forehead straight and open; eyes blue, light; nose Roman; mouth and chin common; hair light or sandy; complexion fair; face long and expressive; scar on left side of chin." William L. Sublette was drawn into fur trade by Ashley's advertisement in 1823 for a company for enterprising young men.

After the dissolution of Ashley's interest in the Rocky Mountain Fur Company, Sublette formed a partnership on December 20, 1832, with his friend, Robert Campbell, whom he had learned to love while in the close companionship of fur expeditions. The two principal trading posts of this company were at the mouth of the Laramie and Fort Union. This partnership constituted the only serious competition offered to the American Fur Company during this period.[7]

The first expedition of the Rocky Mountain Fur Company left Saint Louis April 1, 1822, under the command of Andrew Henry. Near old Fort Osage they had the severe misfortune to lose one of their two keelboats with ten thousand dollars worth of trade goods but without loss of life. The other boat kept on upstream to suffer another mishap somewhere between the Mandan villages and the mouth of the Yellowstone. A band of Assiniboine Indians, possibly near the present site of Bismarck, met the shore party and drove off some fifty horses. The party had intended to erect a fort near the Great Falls of the Missouri, but the loss of their horses forced them to be satisfied with establishing an encampment at the mouth of the Yellowstone.

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[6] Quoted by Chittenden op. cit 253, from William Waldo in manuscript 135 of the Missouri Historical Society, Saint Louis.

[7] An interesting romance surrounds the wedding of Sublette to Miss Frances Hereford of Tuscumbia, Alabama, March 21, 1844. Gossip whispered that the lady had been a sweethart of William's young brother, Solomon, but that William's greater fortune pursuaded her to transfer her affections. When Sublette died about a year after his marriage it was found that he had willed his property to his wife with the condition that she should not change her name. Happily she was able to meet this requirement by returning to her first love, Solomon, some four years after the death of her legator.

Here they wintered and the next spring pushed on upstream into the Blackfoot country. In the neighborhood of the Great Falls Henry was attacked by the Blackfeet and lost four men. Thus he was forced to return to the mouth of the Yellowstone some time in June, 1823; a misfortune for his party but a great boon to the partnership, as will later appear.

Earlier in the spring Ashley had organized another expedition at Saint Louis, at whose head he placed himself and started upstream with two keelboats on March 10. It was General Ashley's intention to purchase from the Aricaras a number of horses when he arrived at their village in May.[8] Knowing the treacherous nature of these Indians, Ashley anchored well out in the stream and with two companions went ashore to treat with the savages.

After some parley, a price for the horses was agreed upon and on the evening of the first of June, preparations having been completed, the expedition planned to start up the river the next morning in two parties one on the boats and the other by land with the horses.

At daybreak the following morning the Aricaras attacked the traders' encampment. As soon as the firing commenced Ashley tried to get the horses removed to the opposite shore, but the Indian fire was so intense that this plan had to be abandoned. The

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[8] The territory of the Aricaras was included in the Fort Laramie treaty of 1851 with that of the Gros Ventres (Hidatsa) and Mandans, namely, west of the Missouri river, north of the Heart river, east of the Powder river, and south of the Yellowstone and Missouri rivers. The Aricaras were akin to the Pawnees but had allied themselves with the Mandans for protection against the Sioux who were being forced westward by the whites. These were a semi-nomadic tribe which cultivated the soil from the time of their earliest traditions, depending on crops of corn, beans, squash, and pumpkin. They bartered these with the Cheyennes for buffalo meat and skins; and traded these robes to the whites for guns and other manufactured goods. In the winter they hunted the buffalo; in the spring they gathered their firewood from the flood waters of the Missouri. Lewis and Clark mentioned them as the remnant of ten powerful Pawnee tribes living in three villages; and Maximilian of Wied also noticed them in 1835. They made boats of wicker work and buffalo hide, which, according to Hayden, *Ethnology and Philology of the Missouri Valley*, would carry three men safely across the Missouri. They made pottery; stone mortars for grinding corn; hoes from the scapulas of bison, spoons from their horns; brooms from coarse grasses; knives were chipped from flint; spears and arrowheads from both horn and flint. Whistles, imitating the bleat of antelope or the whinney of the elk, were made; garments were ornamented with porcupine quills dyed in various colors. They even melted the trader's glass beads and remolded them to suit their fancy into ornaments of various shapes. They wove basketry. Their first treaty whereby they acknowledged the sovereignty of the United States was made July 18, 1825.

General endeavored to rescue the men on shore from their uncomfortable predicament by having one of the boats beached to receive them, but upon the order for this being given, the boatman mutinied. Ashley then managed to get two row-boats ashore which could hold about thirty men, but by the time these were available for retreat the fighting blood of the men had been sufficiently aroused by the treachery of the Aricaras to lead them to refuse the means of retreat. In a short time nearly all the horses were killed and half the men on shore were either killed or wounded.

Finally a few survivors reached the boat by swimming. Then the boats were drifted downstream and put ashore on a timbered island. Here a camp was lightly fortified, for Ashley intended to make preparations to pass the Indian village. To his humilation the majority of his men refused to accompany him upstream until they had been reinforced.

All that they would do was to promise that if Ashley would descend the river about two miles and fortify a camp they would remain there until Henry could succor them with his party, which was then several hundred miles upstream, they knew not exactly where. When Ashley foolishly met these terms, he found himself faced with further mutiny. Ashley asked for volunteers to remain with the expedition and allotted the remainder to the one of the boats to carry the seriously wounded downstream. If he had shot the first man who disobeyed him, he would undoubtedly have saved several lives. Evidently he lacked the necessary courage and decision to head such a party remote from all the usual restraints and compulsions of organized civilization.

In the meantime the boy Jedediah S. Smith had volunteered to carry a message up to Henry asking for aid. Smith was successful, after some very narrow escapes, in delivering his message. Henry, with all but twenty men who remained at the mouth of the Yellowstone, joined Ashley near the mouth of the Cheyenne about July 2.

Ashley made no further attempt to go up the Missouri but Henry with a party of eighty men moved by land toward the Yellowstone River. Upon reaching the mouth of the Yellowstone he discovered that twenty-two of the horses he had left there had been stolen by the Indians. Soon after he lost seven more and decided he had better leave this place and move further up the Yellowstone River.

Near the mouth of the Powder River a party of Crows sold them forty-seven horses, thus enabling the further prosecution of their search for furs. Henry devoted himself to the building of a post at the mouth of the Big Horn near old Fort Lisa, while Etienne Provost, according to tradition, led a party further southwest toward the Green River basin and discovered the South Pass. Jim Bridger, one of this party, is said at this time to have seen the Great Salt Lake. He was the first white man known to have seen that famous body of water.

In spite of the unfortunate beginning of the Ashley enterprises, when the various parties met in the mountains in 1824 they had collected a considerable number of beaver pelts, with which Henry returned to Saint Louis.

Experience had now taught General Ashley that he might well abandon his effort to conduct the fur trade from posts and might better rely upon parties of trappers. Under this new method it became necessary to appoint a meeting place, or rendezvous, to use the French term, where the furs could be gathered together. For a short time this method of fur gathering was followed exclusively.

Ashley made a fortune and sold out in 1826 to his partners, Jedediah Smith, David E. Jackson and William L. Sublette. This was the end of his participation in the fur industry but boats were named for him, and "Ashley" beaver was the trade name for a particularly rich kind of fur. His opinion, in spite of the ill success of the parties which he personally commanded was constantly sought on matters pertaining to the business. The wisest thing he had done, it would seem, was to leave the industry as soon as he made his fortune. After 1826, he devoted himself to political office. Although married four times, he left no children. This William Ashley must not be confused with the James M. Ashley, third governor of the Territory of Montana, 1869-70.

The Rocky Mountain Fur Company, under various managements continued a corporate existence until 1834. By that time, the American Fur Company was coming into power in the upper Missouri valley.

The American Fur Company

The American Fur Company was incorporated by John Astor on April 6, 1808. Astor was a German of very humble parentage to whom adversity was but a spur to success. He had come to America when a youth of twenty years, and on the way over met another German who told him how, for a few cheap trinkets, the Indians could be persuaded to sell rich furs, but that the most profitable method was to buy in America and sell in London rather than to gather directly at the sources. Astor found employment with a furrier who gave him the job of cleaning furs all day long, a dirty, disgusting, and monotonous task. It had, however, its compensations, for it taught him to distinguish good fur from bad.

With a little capital, in 1786, he began to buy furs. When he had accumulated a few bales he took them to London for sale. While there, he obtained the New York agency for the sale of pianos, flutes, and violins. He was not ashamed of vigorous manual labor and as he added to his capital he gradually expanded his business, making an annual trip to Montreal for buying and then disposing of his goods at London.

When Jay's treaty of 1795 lifted the embargo, he began to trade in China, and Astor soon became the leading fur merchant of America. He married one Sarah Ford who was an excellent judge of furs and selected those for the Chinese trade. In 1800 Astor sent his first ship to the East. From the enormous business that this one vessel transacted Astor's share of profit was $55,000.

During the embargo of 1807-09 while other merchants saw their ships lie idle at the docks, Astor hatched a shrewd scheme. He got permission from the Government to leave the port in order to carry a Mandarin to his home in Canton. The fact that Astor had picked up a loafing coolie and bedizened him with official robes of rank did not become known in time to prevent his departure. The profit from this clever escape from the throttling embargo was $200,000.

His shrewdness did not come from a mean disposition, for when in 1834 the New York Life Insurance Company was robbed of its entire surplus he made a gratuitous loan of sufficient money to enable the company to continue. In his dealings with all he maintained a wise and liberal course. He left a legacy of $400,000 to found the Astor Library in New York City and $50,000 for an orphanage at Waldorf, his native village, remembering his own unhappy boyhood.

It was such a man as this who conceived a great project of an American Fur Company, to build a line of forts along the Lewis and Clark trail with a central station at the mouth of the Columbia. He planned to operate one ship annually between New York and the Columbia including a run to the Russian American Fur Company. The first ship, the *Tonquin,* made the voyage around Cape Horn in December, 1810, under command of Captain Thorn, carrying the necessary trade goods and equipment for beginning the enterprise. After losing seven men in an attempt to sound the channel of the Columbia, the ship finally got across the bar and landed its goods at a site which was named Astoria in honor of the head of the company.

In June, the *Tonquin* headed north toward Sitka. While they were trading in Clayoquot Bay, an explosion occurred on board blowing the vessel to pieces and killing every man on board except an Indian interpreter who escaped to tell the tale of destruction.

In the meantime a party headed by one of the partners, Wilson Price Hunt, made their way up the Missouri and overland. Indian hostility diverted them from the Blackfoot country and in their wanderings in the Snake River desert, those lava plains of Southern Idaho, the party suffered extremely. Three months after this party arrived at Astoria, a second ship, the *Beaver*, cast anchor at the new post, May 10, 1812. This cheered the downcast enterprisers and they began to hope for success. They decided to attempt a rival post near every establishment of the Northwest Fur Company, a Montreal concern which had began operations in the region around Lake Pend d'Oreille in 1809.

But when Donald McKenzie, a Canadian partner of the enterprise at Astoria, learned that war had been declared between Britain and America, and that the Northwest Fur Company was expecting the aid of a British warship in the capture of Astoria, he told the man in charge, Donald McDougal, who, like himself was a British subject, the two decided to abandon their task. Hunt, the American partner, was absent on a trip to Sitka and Hawaii. He returned in August, 1813, and learned the resolution to quit.

Shall we charge these men with disloyalty to their partner Astor? They were British citizens, the fort was practically defenseless against civilized methods of attack,—a ship's guns might utterly destroy them, or a few men landed might take them by assault and they would lose all they had ventured. There was a chance of salvaging something by selling to the Northwest Fur Company and this they did October 16, 1813. And in less than three months the British warsloop *Raccoon* appeared. The American flag was hauled down and the place renamed Fort George.

After the war was ended, Mr. Astor was shrewd enough to secure the passage of an act by Congress which forbade aliens to participate in the fur trade within United States territory except in subordinate capacities under American traders. The passage of this act, 29 April, 1816, not only relieved Astor from British competition but forced the Northwest Company of Montreal to sell their holdings in order to salvage anything from their investment. Thus the American Fur Company gained control of the property of the Canadian concern and began operations with what amounted practically to a monopoly of the trade in the Oregon country.

Governor William Clark at Saint Louis exhibited some hostility toward the Astor interests and threw his influence in behalf of Lisa, Ashley, and the other western fur traders, but Astor, having the ear of the Federal Government at Washington, was able to have Governor Clark instructed not to interfere with the servants of the American Fur Company.

The British parliament on 2 July, 1821, passed an act, in retaliation for the American act of 1816, excluding American traders from Canadian territory. This action forced the Astor interests to withdraw their post from Canada east of Lake Huron. But three new posts in competition with the Hudson's Bay Company were immediately established along the international boundary between Lake Superior and the Lake of the Woods. Another advantage was gained the following winter for the American Fur Company when Astor was able to secure the abolition of the Federal Government's trading stations in the Indian country, thus removing the governmental competition for the Indian trade.

In the summer of 1828 Kenneth McKenzie, who had been in the fur business of the upper Missouri for several years, and had lately joined the American Fur Company was selected for the purpose of heading their expedition into that region.

About September 15 he sent the keelboat *Otter* from the Mandan villages to the mouth of the Yellowstone with instructions to establish a post for the Assiniboine trade. In the early fall a fort was here begun named Fort Floyd, but before the close of 1830 this name was changed to Fort Union. This Fort Union must not be confused with that of the like name built in the year previous about two hundred miles above the mouth of the Yellowstone.

Shortly thereafter, McKenzie opened trade with the Blackfeet through one of his employees named Berger who spoke the Piegan dialect. It will be remembered that the Blackfoot nation consisted of the Blackfeet, Bloods, and Piegans. McKenzie camped on Sun River during the winter of 1830 and during the following summer negotiated peace between the Blackfeet and the Assiniboines much to the advantage of the fur collectors, who always had difficulty in maintaining neutrality in the face of Indian conflicts. In the fall, McKenzie held a conference with the chiefs of the Blackfoot nation to whom he had been introduced by Berger, and trading relations were thus established.

On 25 August, 1831, a party of twenty-five men under James Kipp[9] made a slow progress up the Missouri in a keelboat laden with trade goods and bound for the Blackfoot country. The day before they reached their destination an agent of the Hudson's Bay Company endeavored to dissuade the Piegans from trading with the Americans. In this endeavor the Canadian was unsuccessful.

Kipp immediately began the construction of a fort in the angle between the Maria's and the Missouri. The Indians soon gathered in such numbers as to be very embarrassing but maintained friendly relations. Kipp asked them to leave and return in seventy-five days when he would be ready to open trade. The Indians kindly consented to accede to this request and when they returned according to the compact Fort Piegan was ready to open trade. In the first ten days of the trading twenty-four hundred beaver skins changed hands.

The Hudson's Bay Company, alarmed at this new competition, are said to have instigated the Bloods to attack Fort Piegan. Commandant Kipp had had sufficient notice of the attack to enable him to lay in a large supply of ice, for the only thing he lacked to withstand a siege was water. The Bloods besieged the fort for a short time but since this style of warfare was not much favored by the Amerinds it did not last long. Kipp then began to supply the Indians with quantities of cheap whiskey so that they soon were his, body and soul, for the British had never treated them so kindly. They brought their furs to the Americans and before spring a very satisfactory quantity had been amassed at Fort Piegan.

Since the furs were perishable, it was absolutely essential that they be delivered to Fort Union for further transportation to Saint Louis. From this fact arose a very uncomfortable dilemma. Kipp did not dare to delegate the delivery of these furs to any of his men and the men did not have the necessary confidence in their own ability in handling the Indians to be willing to remain at the fort in case Kipp should leave. Accordingly, the entire party, except two or three who, having married squaws, desired to remain with their wives' people, abandoned Fort Piegan, which was burned by the Indians soon after the withdrawal of the whites.

During the summer of 1832 David D. Mitchell was sent in charge of a party to continue trade with the Blackfeet in the vicinity of Fort Piegan. His keelboat, the *Flora,* was loaded, it is said, with $30,000 worth of trade goods and in addition carried many presents which McKenzie was sending to the Blackfeet.

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[9] James Kipp was born at Montreal in 1798. He came to the United States in 1822 with the Columbia Fur Company and six years later entered the service of the American Fur Company. His ability and trustworthiness soon won him the favor of the Chouteaus and in their employ he held an important position. He married a Mandan princess named Sah-kwi-ah-ki, who was very kind to the Blackfeet during the starving winter of 1881-2. James Kipp died at Saint Charles, Missouri, in 1881. His son Joseph was an army scout in Colonel Baker's command. Joseph knowing of the error of mistaking Heavy Runner's band for hostile Sioux pleaded in vain to prevent their massacre on New Year's Day, 1870.

Just below the mouth of the Milk River a serious accident occurred to the vessel. During the night, the boat having been moored as usual with some of the men aboard and some on shore, a heavy windstorm with rain beat down the river. The sail, furled at the top of the lower mast, was loosened by the wind and thus the boat was driven with such violence as to break its cables. The boat with a fearful speed was driven down the river, struck a snag and sank, losing her entire cargo with two men.

A number of the Piegans who were accompanying the expedition became very angry suspecting that the destruction of the vessel was intentional in order to defraud them of their presents. When Mitchell finally arrived at his destination he moved six miles up the Maria's and built a fort, measuring two hundred feet square, designed to withstand heavy attack. He named the place Fort McKenzie in honor of his superior officer. The completion of this stronghold gave the company a permanent place in the Blackfoot country, and it continued to be the center of operation for dealing with this nation until 1840.

Having firmly established the business in the Blackfoot country, McKenzie turned his attention to the Yellowstone Valley, which was occupied by the Crows. Samuel Tullock was sent in the summer of 1832 to establish a post at the mouth of the Big Horn for the trade of this region, and upon the completion of the work he named it Fort Cass.[10]

Thus after five years of operation McKenzie had three strong forts available for trade in the Montana region, namely: Fort Union at the mouth of the Yellowstone, Fort McKenzie at the mouth of the Maria's, and Fort Cass at the mouth of the Big Horn.

The American Fur Company built four forts to accommodate the fur trading among the Crows. Fort Cass was abandoned when Fort Van Buren[11] was built in 1835 near the mouth of the Tongue River on the right bank of the Yellowstone, in the vicinity of the present Miles City. Fort Alexander, so named for Alexander Culbertson, a notable fur trader who is presently to be described, was erected in 1839, on the left bank of the Yellowstone, opposite the mouth of the Rosebud, not a great distance from the present Town of Forsyth. After its occupation, Fort Van Buren was abandoned. And Fort Sarpy,[12] the last of these American Fur Company forts among the Crows, was placed in 1850 on the right bank of the Yellowstone about twenty-five miles below the mouth of the Big Horn.

Lieut. James H. Bradley (1844-1877), who served in Montana during the Sioux and Nez Perce uprisings of 1876 and '77, left a journal of his researches into the early history of Montana. In this journal a slightly varying account is given of the establishment of these forts, which is as follows: "The American Fur Company had never maintained but one post at the time on the Yellowstone River or its tributaries. The first two had been located upon the waters of the Big Horn, the earliest Fort Cass, having been built about 1832 and abandoned about 1835 or 1838, followed in the latter year by Fort Van Buren, which was located on the Big Horn (*sic*, possibly he intended the Yellowstone) at the mouth of the Rosebud. This latter post was sometimes called Fort Tullock, after A. J. Tullock, its builder. It, too, had been abandoned in 1839, when Larpenteur built Fort Alexander on the south bank of the Yellowstone, below the mouth of the Big Horn, giving it the Christian name of Major Culbertson. Robert Meldrum was at this time (1846) in charge of the post."[13]

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[10] Probably named for Lewis Cass, Governor of Michigan Territory 1813-1831, and democratic candidate for the Presidency in 1848, a well beloved westerner.

[11] Martin Van Buren was appointed Secretary of State by President Jackson in 1829, a post which he resigned in 1831. The following May the Democrats nominated him for the vice-presidency and in November elected him. He was President of the United States 1837 to 1841.

[12] Of the Sarpy family, Peter was active in the fur trade and John B. was a partner in the firm.

The historian Bancroft describes the life of these wilderness hunters thus: "Their relaxations were few. They would squat by the campfire at night and join in a round of yarns, wherein mishaps, toil, and danger served only to create amusement, for squeamish sympathy was banished, and admiration accorded purely to successful exploits. These gatherings were usually reserved for the winter, which was spent in some spot endowed with abundant grass, wood, and game. A favorite wintering-ground was in the bend of the Yellowstone River, which enjoyed a milder climate than any accessible district to the south. With a life so devoid of recognized enjoyments, it may be readily understood that the novelty of a rendezvous must prove exceedingly attractive to the hunters. It was their Olympia, with Dionysius enthroned; it was the fair of the wilderness, with tents instead of booths; it was the tournament of the prairies, with naked Indians and rude frontiersmen in lieu of knights and ladies. Noise and confusion reigned, drunkenness and rioting, yelling and swearing, baying of dogs and tramping of horses, whizzing of arrows and cracking of rifles. Employees and employers, traders and hangers-on, found it both a pleasure and a necessity to attend; to which the Indian brought his squaw and papoose, the hunter his half-breed family. Accounts had to be settled, and furred capital exchanged for gaudy fabrics and subtile luxuries. Extravagant and depraved habits were pandered to; also vain emulation. With whiskey at three dollars a pint, and gunpowder at six, with tobacco at five dollars a pound, and fancy articles at fancy prices, it is not surprising that capital was soon exhausted and even prospective earnings absorbed, while one more link was welded in the chain of bondage."

McKenzie conceived the idea of a steamboat fleet. On April 16, 1831, The *Yellowstone* made a maiden voyage to Fort Tecumseh, and next year with Pierre Chouteau, Junior, and George Catlin, she went up to Fort Union. Astor wrote Chouteau from France, "Your voyage in the *Yellowstone* attracted much attention in Europe and has been noted in all the papers here." In 1833, two boats, *Yellowstone* and *Assiniboine,* were sent up and carried Maximilian of Wied, whose explorations have already been described.

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[13] Bradley's Journal, "Affairs at Fort Benton," page 254-5. *Contributions to the Historical Society of Montana* volume III. Helena 1900.

Competition began—Narcisse Le Clerc exported two hundred fifty gallons of whiskey and the American Fur Company tried to get out fourteen hundred gallons which were confiscated. Sublette and Campbell were keen competitors, but McKenzie told his men to pay any price for fur so as to prevent rivals. McKenzie also tried to combat his rivals by making whiskey, but he was discredited and left Montana in 1834.

After Lewis and Clark, Kenneth McKenzie was the pioneer of Montana, often referred to as "the King of the Upper Missouri." He was born in Rosshire, Inverness, Scotland, in 1801, and like many Scotchmen, the spirit of adventure was in his blood. Early in his youth he came to America and served in several British Fur Companies. He was a relative of that celebrated Alexander McKenzie, who was the first man to cross the continent north of the Spanish possessions. In 1827 he joined the American Fur Company and during the time spent with this company he founded Fort Union, the first permanent establishment on the Upper Missouri, and extended the fur trade past all former bounds. He was an autocrat and many of his acts were of surpassing cruelty and horror. Something of an idea of the awe in which he was held may be gained from this little description by the trader, Charles Larpenteur: "Imagine my surprise, on entering Mr. Campbell's room, to find myself in the presence of Mr. McKenzie, who was at that time considered the King of the Missouri; and, from the style in which he was dressed, I really thought he was a king." He was married to an Indian woman and his son Owen by this marriage was killed in a personal difficulty by Major Malcolm Clarke.[14]

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[14] The Malcolm Clarke here mentioned was a notable figure in the history of Montana. He was born July 22, 1817, at Fort Wayne, Indiana, where his father, Nathan Clarke, was a lieutenant of the Fifth Indiana regiment of infantry. Two years later the father was ordered to Fort Snelling, Iowa, and this post became the home of the family for eight years.

At the age of seventen Malcolm Clarke was entered at West Point where he made a good impression and was soon put in command of a company, but some friction arising from his impetuous temper resulted in his dismissal. Sometime after, he received distinction in the Texan struggle for independence and after that affair was over returned to Cincinnati.

At the age of twenty-four, that is to say in 1841, he secured an appointment in the American Fur Company and was sent to the Upper Missouri. Soon after his arrival in the Blackfoot country he won the name of Ne-so-ke-i-u (the four bears) by killing four grizzlies one morning before breakfast, according to the story told by his aunt Charlotte Ouisconsin Van Cleve; his daughter's version adds somewhat to the story in the following language: "Some years after, the name (he had previously been called White Lodge Pole) was changed to one which the Indians thought would add greater luster to his fame. It seems that on a certain trip up the Missouri my father killed thirty grizzly bears in thirty days and on one day slew four in an incredibly short time. Only an experienced hunter can realize the wonders he achieved. The red man's enthusiasm for the deed, and their admiration of it knew no limits. They called him Ne-so-ke-i-u, or Four Bears, in honor of the exploit, and by this name he was known throughout this western country. He was the first, and I think the only white man, who earned a name for himself among the Blackfeet Indians; and I know he was the first man, be he white or red, who was called Ne-so-ke-i-u."

After he left the fur trade he went into the wholesale liquor business. He married again and died at Saint Louis, April 26, 1861.

McKenzie began the erection of the buildings and stockade of Fort Union in the autumn of 1829. Maximilian saw the place in 1833 and has left us a clear and accurate description. The fort stood on a low hill on the north side of the Missouri about fifty feet from the bank. According to the map drawn for Larpenteur's autobiography,[15] the fort was situated about a thousand feet east of the present state line on the forty-eighth parallel, five and a half miles from the mouth of the Yellowstone. The foundation stones of two bastions alone remain to mark the site.

Maximilian wrote: "The fort itself forms a quadrangle, the sides of which measure about eighty paces in length on the exterior. The ramparts consist of strong pickets, sixteen or seventeen feet high, squared and placed close to each other, and surmounted by a *chevaux de frise*. On the southwest and northwest ends, there are blockhouses with pointed roofs, two stories high, with embrasures and some cannon, which, though small, are fit for service. In the front of the enclosure, and towards the river, is the well-defended principal entrance, with a large, folding gate. Opposite the entrance, on the other side of the quadrangle is the house of the commandant; it is one story high, and has four handsome glass windows on each side of the door. The roof is spacious,

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The explanation offered by Helen Clarke for the shooting of young McKenzie was as follows: "It would be somewhat singular if the man with such strong characteristics as Malcolm Clarke should pass through life without making enemies. To one it proved fatally disastrous—a man named McKenzie. Perhaps the less said of him the better. The origin of the quarrel, a mere nothing. Both were probably to blame. Matters might have been amicably settled, but poor McKenzie's anger was fed and encouraged by his friends, and whiskey only added fuel to the flame. At any rate, one summer in 1862 or 1863, at Fort Union, or near there, on the American Fur Company's boat, McKenzie, blinded with anger and drink, entered the cabin where my father was, and when within two feet of him levelled his pistol. It is needless to say that the fatal charge was quickly turned, and McKenzie fell its victim. And there he lay pulseless and cold with a bullet in his heart, calmer by far than the man that shot him, although the latter knew it was done in self defence, and was afterwards fully exonerated."

Malcolm Clarke was twice married. His first wife was the daughter of a Piegan chief, he second wife was of mixed blood. In the spring of 1867 a company of Piegan relatives was entertained at the Clarke home on the Prickly Pear, located on the present site of the Sieben ranch. While visiting here, their horses as well as Clarke's were stolen from the corral by white men as indicated by the foot prints. The thieves soon released the branded horses belonging to Malcolm Clarke but kept the Indian ponies. Although Montana was at that time organized and had a competent government established, Indian property was not protected. The Piegans, highly insulted, rode away in great anger. Malcolm and his son Horace followed in pursuit because the Indians had taken with them some of the property of their hosts. After some hot words in the Piegan village, Malcolm and his son retired with their property. Two years later under conditions which must be detailed in a later chapter, Malcolm was killed and Horace severely wounded by the Piegans. His body now lies in an unmarked grave at the southern end of the Prickly Pear canyon. The grave together with five others has been surrounded by an iron fence at the expense of a descendant. (The spelling of the surname varies. Mrs. Van Cleve omitted the final "e" which Helen, the daughter, employed.)

[15] *Forty Years Fur Trader*, etc., edited by Elliott Coves, Francis P. Harper, New York 1898. Map Page 50.

and contains a large, light loft. This house is very commodious, and, like all the buildings of the inner quadrangle, constructed of poplar wood, the staple wood for building in the neighborhood.

"In the inner quadrangle are the residences of the clerks, the interpreters, and the *engages,* the powder magazine, the stores, or supplies of goods and bartered skins, various workshops for the handicraftsmen, smiths, carpenters, *et cetera,* stables for the horses and cattle, rooms for receiving and entertaining the Indians; and in the center is the flagstaff, around which several half-breed Indian hunters had erected their leathern tents. A cannon was also placed here with its mouth towards the principal entrance. * * *"

The fort at that time had fifty or sixty horses, a few mules and a small number of cattle, hogs, goats and fowls.

The men called *engages* by Maximilian were the boatmen and hunters, perhaps more commonly known as *voyageurs.* They wore the common white blanket coat and were shod in moccasins, usually soled with elk hide or parchment, very comfortable to walk in over the prairies but unfortunately their soles would not turn the spines of the prickly pear cactus which covers the uncultivated prairies of Montana. These trappers lived at their own cost. Weapons, ammunition and clothing were advanced by the Company and were sent for when the skins were brought in.

It appeared to Prince Maximilian that the decrease in the number of fur bearing animals would extinguish the trade in ten years more. At the time of his visit the annual collection at Fort Union, where the yield of both Yellowstone and Upper Missouri valleys was concentrated, was 25,000 beaver; two to three hundred otter; 40,000 to 50,000 buffalo; five or six hundred Canadian weasel; about the same of marten; two to four thousand lynx; two thousand red fox; twenty to thirty silver fox, whose pelts were even then worth sixty dollars a hide; two thousand minks, "from one thousand to one hundred thousand" muskrats, twenty to thirty thousand deer. Elk skin like the buffalo bull hides were too thick and heavy to be used in the fur trade. And wolf skins were only bought to keep the Indians satisfied. In one year previous to the Prince's visit the company sent to Saint Louis forty-two thousand buffalo cowhides worth four dollars each.

Some parts of the buffalo furnished food for the residents of the fort; a diet supplemented by elk, deer and mountain sheep.

Of the bison and its rapid disappearance, Maximilian wrote: "The numerous Indian tribes subsist almost entirely on these animals, sell their skins, after retaining a sufficient supply for their clothing, tents, and so forth, and the agents of the company recklessly shoot down these noble animals for their own pleasure often not making the least use of them, except taking out the tongue. Whole herds of them are often drowned in the Missouri; nay, I have been assured that, in some rivers, one thousand eight hundred and more of their dead bodies were found in one place. Complete dams are formed of the bodies of these animals in some of the morasses of the rivers; from this we may form some idea of the decrease of the buffaloes, which are now found on the other side of the Rocky Mountains, where they were not originally met with, but whither they have been driven. * * * The scene of destruction, which has often been mentioned, namely, the whitening bones of buffaloes and stags, recurs everywhere in the prairies."

Prince Maximilian (Alexander Philip Maximilian, Prince of Wied-Neuwied, 1782-1867), whose sojourn among the fur traders of the Upper Missouri has been several times before mentioned in this work, was described to Lieutenant Bradley by Alexander Culbertson as a man of nearly seventy years (when as a matter of fact, he was only fifty-one) "but well-preserved, and able to endure considerable fatigue. He was a man of medium height, rather slender, *sans* teeth, passionately fond of his pipe, unostentatious, and speaking very broken English. His favorite dress was a white slouch hat, a black velvet coat rather rusty from long service and probably the greasiest pair of trousers that ever encased princely legs. The Prince was a bachelor and a man of science and it was in this latter capacity that he had roamed so far from his ancestral home on the Rhine. He was accompanied by an artist named Boadman[16] and a servant whose name was, as nearly as the author has been able to ascertain its spelling, Tritripel,[17] both of whom seemed gifted to a high degree with the faculty of putting their princely employer into a frequent passion, till there is hardly a bluff or a valley on the whole Upper Missouri that has not repeated in an angry tone and with a strong Teutonic accent the names of Boadman and Tritripel."

The Prince and his retinue had come up from Saint Louis to Fort Union in the steamer *Assiniboine* and had taken every opportunity during the boat's frequent stops for fuel to search the country through which he passed for small animals, birds, flowers and fossils to add to his collection. He kept his artist busy making sketches of the scenery, of Indians, and of Indian curios; sketches which have added greatly to the interest of his journal.[18]

The Prince was given permission to accompany Mitchell's keelboat to Fort McKenzie, where he remained about a month, leaving a hearty invitation for Mitchell and Culbertson to visit him in Europe, promising to send the former the present of a double barreled rifle and the latter a fine meerschaum. Neither of the presents was received, for the vessel in which they were shipped across the Atlantic was lost.

During the few weeks Prince Maximilian visited Fort McKenzie he had the unusual opportunity, that is to say, unusual to a European, of witnessing an Indian battle. While a trading party of some hundred and fifty Piegans under Lame Bull were encamped under the walls of the Fort, they were suddenly charged at daybreak by about fifteen hundred Assiniboine warriors.

Lieutenant Bradley tells the following story on Prince Maximilian: "As the Assiniboines swarmed down the bluffs and over the valley toward the fort, it was supposed that they were attacking the fort, and its entire garrison of seventy men rushed to arms and opened fire upon the advancing swarms. The Prince, too, seized his gun and manned one of the port holes of the upper bastion. His gun was already loaded, but overlooking it in the excitement of the moment, he rammed down another charge of a size proportioned to the extreme gravity of the occasion. Then discerning, through his port hole, an Assiniboine warrior within range of his weapon he leveled his gun, covered the person of that miserable Assiniboine with a careful aim, pulled the trigger and proceeded to revolve with great rapidity across the bastion till he came in severe contact with the opposite wall and fell stunned to the floor. The garrison had by this time discovered the real object of the attack, and under the orders of Mitchell had ceased to fire, after inflicting upon the Assiniboines the loss of one man, possibly, though not probably, the Prince's intended victim."

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[16] The reference here is to Charles Bodmer, a celebrated Swiss artist at the time of this visit about twenty-eight years of age. He later received the ribbon of the French Legion of Honor.

[17] Dreidoppel is the correct spelling. He accompanied the Prince on his trip of 1815-17 to Brazil.

[18] For these sketches see the *Atlas of Maximilian's Travels.* R. G. Thwaites, editor.

In the most serious conflict which followed between these two nations Mitchell and Culbertson assisted the Piegans in every way possible. This was the only proper policy for the Assiniboines did not trade at their fort and the Piegans did, hence their policy of making common cause with the latter. In the fall of the following year, 1834, this same band of Assiniboines attacked sixty lodges of Gros Ventres encamped about seventy-five miles from Fort McKenzie and killed about four hundred people, leaving only one, it is said, to tell the story.

The trade for the season of 1833 was fair and enabled Mitchell to take to Fort Union the following spring two thousand pounds of beaver pelts and two hundred packs of buffalo robes with ten skins to the pack, a sufficient return to justify the continuance of trade among the Piegans. Mr. Mitchell having decided to withdraw from the fur trading business went down to Saint Louis and established himself there. In order to induce his return he was given a partnership in the company and returned to Fort McKenzie in 1836 remaining there until the next spring, when he was placed in charge of Fort Union where he remained in charge until 1839. At the outbreak of the Mexican war he became lieutenant colonel of a Missouri regiment. He participated in the capture of Sacramento with this command known as the Doniphan regiment. Colonel Mitchell was later appointed by President Taylor to be superintendent of Indian affairs for the Missouri Valley. He died in 1862.

During the interval while Mitchell was away from Fort McKenzie 1834-36 Major Alexander Culbertson was left in charge. During this time the fort had a very narrow escape from destruction by the Crows, but having received warning in a very odd fashion, Culbertson was able to place the fort in adequate condition for defense. Lieutenant Bradley's vivid description of the way in which this warning came to Culbertson deserves to be quoted in full. It is as follows: "Not long after a party of three Blood warriors and a squaw appeared at the fort, saying that they were a war party going into the Crow country to steal horses. Major Culbertson sought to persuade them to desist from so fool-hardy an undertaking, and finally induced them to set out on their return to their own country. A few miles from the fort, at the Cracon Du Nez, they sat down to smoke, and while so engaged thirty mounted Crows dashed suddenly upon them and firing into the party instantly killed two of the warriors and wounded the third. Then followed a feat of arms worthy of Richard Coeur De Leon in his best days. Though thus taken by surprise, his comrades killed by his side, and himself wounded, the surviving Blood warrior managed with such address, as the Crows dashed upon him, as to fell one from his horse with a single blow of his gun, leap into the seat, seize a lance in lieu of his own weapon which had fallen to the ground, and dash away in the direction of the fort, leaving his enemies dumbfounded at the exploit. It happened that he had possessed himself of the best horse of the assailants, a swift and beautiful animal, so that he easily distanced his pursuers, and arrived safely at the fort, leaving the squaw, his sister, a prisoner with the Crows. Major Culbertson soon after accompanied him to the scene of attack and brought the bodies to the fort, where they were buried. Several days after this event, as Major Culbertson sat one evening in front of the fort, he observed a figure in the bushes on the opposite bank of the river. His curiosity being excited, he crossed in a skiff and was amazed to discover in the object he had seen, the identical squaw who had been carried off a prisoner by the Crows. She was in a sad plight, being entirely naked except for the little protection afforded by bunches of sage-brush tied about her person, with feet lacerated by days of travel over stones and prickly pear, and worn down with exposure, fatigue and starvation. Her story proved her as much a heroine as her brother had shown himself a hero. After her capture the Crows had travelled rapidly towards their own country, guarding her with great vigilance. As an additional precaution her clothing was taken from her every night and she was compelled to sleep with a lynx-eyed squaw, whom the slightest movement awakened. Though constantly watching an opportunity to escape, none offered itself till she was several days' journey in the country of her enemies; when under cover of the darkness of a stormy night, and aided, possibly by the relaxed vigilance of her captors, she was enabled to withdraw without discovery. Then followed five days painful travel without food, in a state of nakedness, across scorching plains and over rugged mountains, reaching the fort just when her heroic spirit must soon have failed to support her longer. She was at once clothed and fed, and speedily recovered from the effects of her painful experience. Her arrival was as fortunate for the fort as it was for herself, as she brought intelligence that the Crows were preparing to attack it in large force and destroy it. This information was probably its salvation."

With this warning all the armament of the fort was overhauled, the two three-pound cannon, one in each bastion were prepared for defense, a careful guard was kept, and effort made to secure an adequate quantity of provisions. Unfortunately, the region had been so well hunted over in the past that no game was available near at hand; and the presence of the Crows in the vicinity made it exceedingly dangerous for the hunters to venture far from the fort.

Early in June the siege began. Fresh meat gave out in a day or two, then the dried meat reserved for emergency was consumed. After four days the few dogs at the fort were killed and eaten. While this article of diet is repugnant to us of a more effeminate civilization it was an ordinary item in the menu of the Indians and the fur traders. Several white men have testified to the pleasant taste of dog flesh. After the dry meat and the dogs were gone, the only recourse was pieces of raw buffalo hide which had been used to wrap dried meat. This hide was boiled until soft, when it had about the appearance and taste of carpenter's glue, a disgusting food not satisfying the cravings of hunger, but preserving life. Water which had formerly been carried from the river a very short distance outside the walls was now obtained by digging a well ten feet deep within the stockade. After ten days of starvation Culbertson was faced with a mutiny. Being thus impelled to more severe measures, for he had not heretofore fired upon the Crows and they had not attempted any violence against the fort, he notified Rotten Belly, the Crow chieftain, that if his men did not leave by noon the garrison would open war and hurl thunderbolts among them. This threat did not alarm Rotten Belly. The cannon in the upper bastion was loaded with a solid shot and aimed directly at the center of the Indian encampment. Exactly at noon its explosion sent a shot bounding among the besiegers, greatly alarming them. In an instant they were busy striking their tents and mounting in hot haste. Soon the whole village was on the move and the siege was ended. The Crows later told Culbertson that they did not intend injuring the whites but that their sole object was in destroying the fort, which supplied their enemies, the Blackfeet, ammunition, thus rendering them too powerful for the Crows to resist.

Fighting among the tribes of Crows, Gros Ventres, Crees, Assiniboines, and Piegans was a constant menace. Culbertson would not fight the Indians and won their respect by fair dealing.

Culbertson is a notable figure, for he tied together the era of savagery with civilization in Montana. He joined the employment of the American Fur Company in 1829 as a youth of twenty years and retired in 1861 with a fortune of $300,000. He took his Blood squaw, to whom he was ever faithful, and their six children to Illinois, where the children were educated. For many years he was commandant of Fort Benton and then chief factor of the Fur Company in Montana. He was of much assistance to Governor Stevens in making treaties with the Indians. He died at Orleans, Missouri, on August 27, 1879.

Smallpox in 1837 decimated the Indians. An evil disposed old trapper on being refused passage on the keelboat is said to have thrown a bundle of infected clothing on board. Several cases developed and some died. When the boat arrived at Fort Union an Indian stole from it an infected blanket. The Minetarees lost seven hundred warriors; Tehatka's Assiniboine villages lost all but thirty out of twelve hundred warriors. The Mandans were nearly exterminated and other tribes suffered most severely.

For many weeks together, the workmen at the Fort did nothing but collect and bury dead bodies. An eye-witness wrote: "The prairie all around is a vast field of death, covered with unburied corpses, and spreading for miles, pestilence and infection. * * * The accounts of the Blackfeet are awful. The inmates of above one thousand of their tents are already swept away. They are the bravest and most crafty of all the Indians, dangerous and implacable to their enemies, but faithful and kind to their friends."

The Blackfeet rightly blamed the plague upon the whites and there were frequent rumors of a war of extermination in revenge. But the smallpox took so many that their spirit was utterly broken. The few that were left were said to be "as humble as famished dogs." No language could picture the awful desolation. The deserted tents reminded the visitor of those that had perished, for no curl of smoke rising above them proclaimed their habitation. Only the croaking of scavenger birds and the howling of wolves interrupted the silence. Authorities have differed widely in their estimates of the losses, which ranged from fifteen thousand to one hundred and fifty thousand. Probably the former is much too low and the latter an exaggeration. But it is certain that the tribes of the Upper Missouri never recovered their numbers.

By this time buffalo skins had become more valuable than beaver. In 1834 Astor wrote his Saint Louis partners that he wished to withdraw from the fur trade in the Upper Missouri, because, said he, "I very much fear beaver will not sell well very soon unless very fine. It appears that they make hats of silk in place of beaver." In 1838, ten thousand buffalo hides were sent down and two years later, according to Father De Smet, sixty-seven thousand were shipped. Heavy shipments of these hides continued. As late as 1883 the Northern Pacific railway reported the shipment of "forty thousand buffalo robes, one hundred thousand undressed buffalo skins," but in 1884 only one carload of hides left Montana, and five years later buffalo heads had become such curiosities as to command prices of twenty-five to fifty dollars for mounting.

Later Events at Fort Benton

In 1842 Major Culbertson was replaced in command by F. A. Chardon, a man who had little tact in dealing with the savages. A war party of Blackfeet having been denied admittance to the Fort, revenged themselves by killing a pig which was the property of the Fort. Chardon determined to revenge himself, and in a brush with the Indians one of his party was killed. This induced Chardon to seek further revenge in spite of Major Culbertson's policy of good will toward the Indians which had been such beneficial effect in the past. The cannon commanding the main approach was loaded with small shot. Trade was too brisk to necessitate long waiting for victims. When a band of Blackfeet warriors and squaws came with buffalo robes to trade at the gate, which, they were told, would be opened when they were assembled.

Thus a laughing crowd of Indians with their wares was gathered in front of the loaded cannon. A sudden storm of bullets raised a wail of terror mingled with cries of agony from the wounded. Twenty-one were killed outright and several more severely wounded. The three chiefs inside were quick-witted enough to understand the situation. As soon as they heard the explosion, they climbed the walls and made good their escape. War having thus been begun, the Fort, which had been the most profitable maintained by the American Fur Company, was necessarily abandoned. Chardon fortified a point at the mouth of the Judith and named the new place Fort F. A. C.

The company, seeing its error, urged Culbertson to return to his post. The Indians very sensibly refused to trade with Chardon and the Company reaped loss instead of profit. Peter Chouteau, the general manager, was finally able to persuade Major Culbertson to return.

RUINS OF OLD FORT BENTON

Returning to Montana, Culbertson at once abandoned Fort F. A. C. and built a new fort at the head of the first rapids above the present Fort Benton. It was named Fort Lewis in honor of Capt. Meriwether Lewis. In response to Culbertson's invitation, the Blackfeet gathered for a council. Culbertson, deploring the massacre, explained that the criminals had been sent away and that he himself had been sent by the chiefs of the company to make things right. Big Swan, the Blackfoot chieftain, replied kindly. Presents were exchanged and the peace-pipe smoked. In the next four months, eleven hundred packs of buffalo robes, as well as large quantities of beaver, wolf and fox pelts, were obtained in trade.

The Founding of Fort Benton

Fort Lewis was not a desirable location. The drift ice in the river interfered with the crossing of the trading Indians, who requested that the post be moved to a site near the Teton. So, in the spring of 1846, Fort Lewis was removed to a new location. On Christmas, 1850, when the first adobe building replaced one of the log structures, a ball was given to celebrate the event. During the merry-making Culbertson rechristened the post in honor of the Thomas Hart Benton, senator for Missouri, and thus the fort at the head of navigation on the Missouri, by far the most important settlement ever made in Montana, became known as Fort Benton. Here Culbertson remained in command until 1861, when he retired and took up his residence at Peoria, Illinois.

Upon Culbertson's retirement, Andrew Dawson, who had been in the service of the company almost from the beginning of his fur trading experience, became commandant.

Andrew Dawson was born April 25, 1817, at Dalkeith, Scotland. He arrived at Saint Louis by way of New Orleans in 1843 and after a stay in that town of about a year went into the wilderness as a free fur trader. At Fort Union he became acquainted with Major Culbertson, who took him in 1854 to Fort Benton, where he was commanding officer during Culbertson's frequent absences.

Dawson achieved quite a reputation with the Blackfeet as a "medicine man," for his medical advice and remedies were of much comfort. So they soon began to attribute to him miraculous powers. One time an Indian came, out of curiosity to test his powers, desiring to be transformed into a white horse. He was told to return at dusk for the "hippocanthropic" rite. By that time the snow was falling heavily, which exactly suited Dawson's intent. He instructed the Indian to be stripped naked and picketed like a horse out in the storm. In a short time the brave decided that he would await another opportunity to challenge the magical powers of the Scotchman.

During the intensely cold winter of 1858, a winter so cold that the mercury froze in the thermometers, Dawson fell through a trap-door into a cellar and lay there all night before being discovered. This fall paralyzed him from the waist down and finally forced his retirement from the business.

In the summer of 1864 he transferred the fort to its new purchasers, Carroll and Steel, who had been clerks of the American Fur Company. Dawson returned to his old home in Scotland, where, after being cared for at the expense of his brother Ebenezer and his son James, whose mother was Josette Garreau, whom Dawson had met at Fort Clarke, he died September 16, 1871.

Fort Owen Established (1850)

West of the Rockies the Hudson's Bay Company erected a fort in 1877 on Crow Creek near the site of Saint Ignatius Mission and placed it in charge of Angus McDonald. The American Fur Company never had worked this region.

Another and more important settlement in this intermountain region was Fort Owen, in the Bitter Root Valley. It was established in 1850 by Maj. John Owen, U. S. A. Owen's first appearance in the Northwest had been in the autumn of the previous year. He had come into the region as a sutler for the "Mounted

Rifles," which had been sent in to protect the Oregon Trail. Having resigned his office, he bought the Saint Mary's Mission property and began his career as an independent fur trader which continued until 1877.

Father De Smet had established this mission in 1841. Father Anthony Ravalli had arrived in 1845 and had built a small sawmill to provide lumber, thus easing the burden of the laborious hand sawing which had formerly been the only method of obtaining lumber in this region. Ravalli obtained two small mill stones from Europe and built a tiny flour mill. After the year 1846 the mission gradually declined. Various reasons have been alleged for this failure. It has been said to have been due to the dangers from the war parties of the Blackfeet. Father Palladino blamed it on the various traders, who, having found shelter at the mission and being restrained by the priests in their licentious living, took revenge by alienating the Selish from their missionaries. The jealousy of certain chiefs has also been alleged as a reason for the decline. But, whatever the true reason, it is certain that Saint Mary's Mission only followed the usual program of the many attempts to Christianize the Amerinds, namely, a few years of success while the novelty of the white man's ministrations and religion were still attractive, then a rapid growth of indifference often terminating in actual hostility.

About the time that the Jesuits realized that their efforts were unavailing so far as any permanent Christianizing of the Indians was likely to result, John Owen came upon the scene. He had been born in Pennsylvania on June 27, 1818. Tradition credits him with service in the Mexican war, but how he gained the title of major is unknown, for search of the files of the Department of War failed to reveal any record of his service. While his regiment was encamped near Fort Hall he met Nancy, a Shoshone maiden, who became his dearly beloved wife.

Upon the transfer of the mission property, John Owen immediately began the fortification of the premises. When Stevens's expedition visited the place in 1853 its artist, Stanley, drew a picture showing it to be surrounded by a wooden wall or stockade enclosing two or three buildings. Owen's journal of 1852 records that they began to make adobe bricks in April of that year and that the building of the brick wall was begun on May 20. This wall extended about a foot above the buildings it enclosed and had a smooth, level top, contrary to the usual custom of fortification in the Indian country. The adobe walls of the buildings were eight to ten inches thick and were lined with hewed lath and plaster. All the buildings were floored with heavy planking and nearly every room was heated with a large fireplace. A well near the center of the fortifications obviated the necessity of seeking a water supply beyond the protection of the walls.

The principal entrance to the fort was on the south side. It consisted of two heavy wooden gates, surmounted by an arch into which they fitted. They were fastened by heavy cross timbers and wrought iron bars. In order to afford passage without the necessity of unbarring this heavy gate, a small, narrow door was cut in one of the gates.

Father Palladino, who knew Major Owen personally, is quoted as saying "Major Owen lived at the fort like a king. He was the ruler, he always had many guests and transient travelers who were passing through the region. He was a man of very lovable, kindly, and generous character, and the most influential pioneer in the country for years. He was esteemed and trusted by the Indians as well as by the whites. His word was always good. When hostile tribes of Indians threatened one another he would interpose, and if it was possible soothed them, composed their differences and averted the trouble. At the Christmas holiday time it was his custom to give a feast to many people of the region."[19]

John Owen is described by his contemporaries as a man of five feet eight inches height, with a weight of nearly two hundred pounds. His strong featured face had a rather florid complexion surmounted by dark hair. When Owen first came into the mountains he wore a heavy goatee which from a side view so closely resembled one of the horn drinking cups of the Indians that the Selish called him "I-mool-tzen," which may be loosely translated "drinking cup whiskers."

Lingard's *History of England* was one of Owen's favorite recreations, for he loved good books, and assembled within his wilderness fortress a library containing the best works of literature and philosophy. But he did not lead an idle life depending upon the exertions of servants. In order that he might be able to maintain his stock of goods it was necessary for him to make trips every summer to the Dalles in Oregon with pack horses, usually returning the latter part of the summer by an Indian trail over the Coeur d' Alene Mountains.

In 1856 Owen was given charge by the Federal Government of the Indians of the region and continued to act as special agent until 1862. He did not approve of the Government's method of dealing with the Indians, for he could not overlook what he conceived to be the natural rights of the aborigines, and was deeply conscious of the failure of the Federal Government to recognize the rights which the Indians had acquired by treaty. He believed that the payment to the Indians should take the form of live stock, plows, and other farming implements instead of the ridiculous beads, calico cloth, and vermilion paint, which were being supplied with other trinkets of like value. John Owen continued to command this outpost of civilization until after the gold seekers colonized Montana in the middle '60s. About 1871 he showed symptoms of failing mental power and was entered in Saint John's Hospital at Helena. Although Owen had been a prominent member of the order of Free Masons, he was baptized and received into the Roman communion by Father Palladino while at the hospital.

The fort was allowed to decay until in 1876 a movement of the Nez Perces under Chief Joseph frightened the settlers into repairing it for their own defense. In 1889, a storm during the month of February almost wrecked the buildings, and, by a strange coincidence, the "earthly tabernacle" of John Owen himself was dissolved this same year while he was tenderly cared for by relatives in Philadelphia. He died without issue.

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[19] *The Journals of Major John Owen, etc.*, edited by Seymour Dunbar, Montana Historical Society, 1927. Page 10.

The Typical Trapper

In the dome of the Montana State Capitol is pictured the typical trapper and frontiersman. In his coonskin cap and fur clothing, with Indian moccasins on his feet and gun in hand, he stands there bearing perpetual witness to one of the great eras and industries of this region. The subject of this sketch was James Bridger, who came to Montana in the employment of Ashley in 1823, and spent sixty years pioneering in the Rockies.

Very few facts have been recorded concerning the early life of the great trapper. He was born in Richmond, Virginia, on March 17, 1804. His parents kept a tavern and a farm; his father also did surveying. James was the youngest of three children.

In 1812 the family moved to Saint Louis, where the elder James found much employment in the unsurveyed lands. His wife cared for the children and managed the farm. After four hard years of pioneer life Mrs. Bridger died, leaving the care of the children to her sister-in-law. The eldest son's death followed closely that of his mother's, and in the autumn of 1817 the elder Bridger died leaving Jim and his sister to the tender care of a maiden aunt.

At the age of thirteen, Jim had gathered a wonderful knowledge of river trading and was often given temporary charge of a ferry boat on short trips. Leaving the river life, Bridger worked his apprenticeship in a blacksmith shop, which prepared him for the hardships he was soon to endure.

Saint Louis was a small trading post when the Bridgers first moved there. The population of about 1,500 was mostly transient. It was like a great sieve through which western immigration drained. Stories of adventure and trade in the great West took their hold on Bridger, and although he could not read, the following message appearing in the *Missouri Republican* of March 20, 1822, was of interest to him:

"To enterprising young men. The subscriber wishes to engage one hundred young men to ascend the Missouri River to its source, there to be employed for one, two, or three years. For particulars inquire of Major Andrew Henry, near the lead mines in the county of Washington, who will ascend with and command the party; or of the subscriber near Saint Louis. Signed, William H. Ashley."

It took less than a month to assemble the party and prepare for the journey. Bridger joined the forces with a motive in view, thinking he would gain enough through fur-trading to send his sister to school. His idea was later realized. Two large keelboats, ladened with supplies and a crew of twenty-five men each, accompanied by a land party, set out from Saint Louis on April 15, 1822. Major Henry was in command, although Ashley accompanied the party.

The Missouri River was at this time uncharted and full of snags. Expert seamanship was required to navigate the stream in the spring rise. Near the close of the second week of the journey, just below Old Fort Osage, one of the boats struck a snag and the complete cargo of about $10,000 worth of merchandise was lost. The crew narrowly escaped. The party was delayed a little, but soon advanced into the territory of the Pawnees, Otoes and Sioux. Game was plentiful but the treacherous river halted their progress and Ashley soon abandoned the plan of reaching Three Forks to establish winter quarters there. The Great Falls of the Missouri was next considered but soon abandoned, being the land of the hostile Blackfeet. Winter quarters were finally established at the mouth of the Yellowstone. Henry set about to establish a fort at this junction, while Ashley returned to Saint Louis with a small party to get more recruits.

The spring of 1823 brought many new trappers and adventurers up the Missouri. The increasing numbers of the whites enlarged the hostility of the Indians. While the party was making the portage around the Great Falls, a small party of trappers, separated from the main party, was attacked by the Blackfeet Indians. Four of them were killed and several injured. The Indians harassed the whites to such an extent that trapping was impossible, and they were soon forced to abandon the Blackfoot territory.

Major Henry decided to await the arrival of Ashley at the mouth of the Yellowstone. The Blackfeet Indians had stolen many of their horses after the Great Falls encounter and the only possible way to obtain more horses would have been from the Aricaras, so word was sent to Ashley to gather horses on his trip up the river and to join Henry at the mouth of the Yellowstone. The message, however, received an unexpected answer. When the messenger returned to Major Henry he expounded the news of Ashley's encounter with the Aricaras. Ashley sent a request for as many men as available, to be sent as quickly as possible. Eighty men were selected, including Bridger. The Government, seeing the need of the trappers, dispatched Colonel Leavenworth, with 250 troops. The forces, already large enough to defeat the Indians, were joined by 200 Sioux, who were anxious to revenge themselves on their ancient enemies, the Aricaras. Peace was finally negotiated and the desired number of horses obtained. This friendliness of the Aricaras was not lasting and it was but a matter of a few days when they opened fire again. This tribe was very fickle and insincere. The attack proved disastrous to the trappers. Many were killed and wounded. Ashley waited for reinforcements, sending the wounded to Fort Atkinson. Colonel Leavenworth besieged the Aricaras, trying to force their surrender, until the Sioux became tired of waiting and disgusted with the white methods of warfare; after pillaging the Aricaras' cornfield, the Sioux left. Peaceful settlement was made and the Aricaras returned all the stolen goods still remaining in their possession. How great a part Bridger played in this battle is not

JIM BRIDGER

Famous Explorer and Guide.

definitely known, but without a doubt he received some very valuable information concerning Indian warfare.

Another encounter in which Bridger played a part was the famous bear fight of Hugh Glass. While on a hunting trip, Glass was attacked by a huge grizzly bear and so nearly torn to pieces that his recovery was very doubtful and his death a decided fact to some of the party. The entire party could not afford a delay, but left two men with Glass to assist him if he recovered, otherwise to bury him. One of these men was Bridger, the other was Fitzgerald. They remained five days, but Glass made no evidence of recovery; fearing an attack by the Indians, the two men took Glass' gun and deserted him. Glass, however, recovered and finally joined his party, seeking revenge on his deserters, but finding them gone, followed them to Fort Atkinson. His thirst for revenge had died down by this time and the two men were forgiven, their actions being considered justifiable.

Again reaching the mouth of the Yellowstone, the trappers met a band of Crows and were able to obtain horses from them. At this point the party divided. Etienne Provost (Provo) was put in command on one group. Among his followers was James Bridger. Provost and his men journeyed south along the Powder River, through the South Pass, over the Continental Divide, into Oregon and California. The South Pass, discovered by Bridger and Provost, is one of the celebrated passes of the Rocky Mountains and is now used by the Union Pacific Railway.

The party remained in the region of South Pass during the season of 1823-1824, wintering in Cache Valley. A dispute arose concerning the course of the Bear River, and to settle matters Bridger traced the river to the Great Salt Lake. He tasted the water and found that it contained salt. On returning to his party, he told them that he had discovered what he thought to be an arm of the Pacific Ocean. There is no authentic record of the fact, but Bridger is thought to be the first white man to see the Great Salt Lake. However, it was claimed that Friar Escalante,[20] a Spanish missionary, visited the lake in 1776. In the spring of 1824 four men of Bridger's party explored the lake in boats. Finding no outlet, they abandoned the idea of its being an arm of the Pacific. In 1824-1825 the Great Salt Lake became the rendezvous of all the trappers in the West. General Ashley made his last journey to the West in 1826. During his stay many improvements were made at the Salt Lake trading post. Ashley returned to Saint Louis to spend his time furnishing new companies with merchandise. Bridger greatly regretted that Ashley had decided to quit the fur trade, but his (Bridger's) original contract had expired and he decided to continue as a free trapper. Ashley sold the Rocky Mountain Fur Company to Smith, Jackson and Sublette in July, 1826. Bridger trapped for these men until 1829.

On August 4, 1830, Milton G. Sublette, Henry Frack, John B. Gervois and James Bridger purchased the Rocky Mountain Fur Company from Smith, Jackson, and Sublette. The company divided and trapped in all parts of the country. It was during this time that Bridger probably first saw the wonders of Yellowstone Park. John Colter, of the Lewis and Clark expedition, is said to have been the first white man to discover the Yellowstone Park, but he did not leave any record of his discoveries. Colter's find placed Bridger as the second man to explore the park, but the first to give any record of his journey. His accounts of the wonders of the park were doubted by many, but later they proved to be no exaggeration.

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[20] Friar Escalante did not see the lake but heard of it while camped on Utah Lake, sixty miles to the south.

Bridger, like many of the old scouts and trappers, told stories which were much to be doubted. Bridger's lapse into this state began with his stories of Yellowstone Park. The wonders of the park were so fantastic and artificial that although Bridger was quoting the truth, no one believed him. This vexed him, and as a motive of revenge, he told tales of imagination, or greatly exaggerated the truth, to the tenderfoot. Many of the tales now attributed to Bridger are plagiarisms which have been applied to many characters like Bridger, but some of these tales were actually told by the old trapper. One of these stories of how Bridger discovered the Glass Mountain is told by General Chittenden.

"Coming one day in sight of a magnificent elk, he took careful aim at the unsuspecting animal and fired. To his great amazement, the elk not only was not wounded but seemed not even to have heard the report of the rifle. Bridger drew considerably nearer and gave the elk the benefit of his most deliberate aim; but with the same result as before. A third and a fourth effort met with a similar fate.

"Utterly exasperated, he seized his rifle by the barrel, resolved to use it as a club, since it had failed as a firearm. Rushing madly toward the elk, he suddenly crashed into an immovable vertical wall which proved to be a mountain of perfectly transparent glass, on the farther side of which, still in peaceful security, the elk was quietly grazing. Stranger still, the mountain was not only of pure glass, but was a perfect telescopic lens, and, whereas, the elk seemed but a few hundred yards off, it was in reality twenty-five miles away."

Many of Bridger's stories, such as the two-ocean river, the petrified forest with petrified birds, singing petrified songs, and the river which was hot on the bottom, were based on real facts but greatly exaggerated.

In 1832 Thomas Fitzpatrick and Bridger set out on a trapping expedition and were closely followed by their rivals, Vanderburg and Drips, from the American Fur Company. Bridger and his companion tried all methods of trickery to baffle their pursuers, all of which was of no avail. Vanderburg was not acquainted with the country, but his alertness made it possible for them to keep on Bridger's trail. Finally sacrificing a good hunting season, Bridger and Fitzpatrick lured their rivals into the territory of the hostile Blackfeet. Vanderburg and Drips soon saw that the country was not suitable for hunting and, trying to make up for lost time, they divided the party. Vanderburg and his followers proceeded into the heart of the Blackfoot country, unconscious of their danger. Soon the scouts found traces of Indians, and Vanderburg, still undaunted, set out to attack the natives. As a result of his encounter he was killed. The remainder of his party fled to the territory of the Pend d' Oreilles. In the meantime Bridger and his followers fared no better. They discovered themselves in hostile territory and were constantly watching for Indians. One morning they came upon a large number of Blackfeet, friendly signs were exchanged and a peace meeting held. While the meeting was in progress Bridger left the trappers and rode toward the group with his rifle across the saddle; forgetting the circumstances, he cocked the rifle as the chief was approaching. The chief, hearing the click, seized the rifle, striking Bridger and knocking him to the ground. Instantly Bridger was wounded by two arrows. The fighting ceased in the evening and the savages departed. Bridger and Fitzpatrick proceeded down the Missouri River. In attempting to extricate the arrows, Bridger was unable to remove the head of one, which was made of metal three inches in length. Three years later the arrow-head was successfully removed by Dr. Marcus Whitman.

Bridger spent the winter of 1843 in Saint Louis purchasing supplies for a fort and trading post he was going to establish the following summer. Early in the spring he returned to the Black Fork of Green River, where he had decided to set up his fort. This enterprise, completed early in August and called Fort Bridger, was not only a fort but also a store where trappers could obtain necessary supplies. For a while steps were taken by Captain Stansbury and Lieutenant Gunnison to interest the Government in making Fort Bridger a military fort in order to establish peace among the Indians and assure the safety of the whites. An Indian agent would be needed at the fort and James Bridger was suggested to fill this position. The Mormons established firm opposition to this and in 1851 Brigham Young was made governor of the territory and acting Indian agent. The Mormons had long been envious of the position of Fort Bridger. They had set up posts along the Overland Route and wished to join the Green River settlement and monopolize the trade. They constantly harassed Bridger and forced him to move. Finally the Mormons became so strong that the Government was forced to send troops into Utah to enforce the laws. Bridger was paid $5 a day to act as a guide for troops under the command of Colonel Johnston. The troops had no place to winter and it was at this time that the Government purchased Bridger's Mexican grant of Fort Bridger, but never paid him for the property, claiming that his title was not perfect. This was a great loss to the trapper.

In 1850 Bridger led Captain Stansbury over a route which was later the route of the Overland Stage, Pony Express, and the Union Pacific Railway.

Sir George Gore, a wealthy Irish nobleman, visited the Rockies in 1854-56. He had a well equipped hunting expedition and a retinue of forty servants. Gore and his party wintered at Fort Laramie, where he met Bridger, who was at the fort on business. Sir George became very interested in the old trapper. Clothed in buckskin, Bridger made a striking appearance. He was tall, straight and agile. His expression was kind and humorous, his manner gracious and cordial, his actions straightforward, his habits were cunning but lacked the least inclination of deception. Bridger was just the man Gore was looking for to lead his expedition. He needed a man well skilled in the ways of the Indian, one familiar with the country and an expert hunter. Bridger had all of these qualities and was immediately placed on the payroll. The excursion lasted until 1856 and Bridger left Gore at Fort Berthold, returning to his family in Kansas City.

James Bridger visited Saint Louis in 1859 and was employed by Capt. W. F. Raynolds, who was about to explore the Yellowstone River and its tributaries. Raynolds was particularly anxious to be on friendly terms with the natives. The expedition remained in the field until 1860.

In 1861 Bridger was again called upon to act as a guide. This time it was for Russell and Holladay to lead an expedition surveying a route between Denver and Salt Lake City. He returned to his farm in 1862, where tenants cared for his children in Westport and left them to the care of another tenant.

The call of the West could not be resisted, and when a call came, in 1862, from the Government to guide an official party to Utah, Bridger was eager to accept. William S. Brockett, a member of the expedition, writes the following: "In person, Bridger was tall and spare, but erect, active and energetic. His hair was brown and long and covered his head abundantly even in old age. His eyes were gray and keen; his habitual expression was mild and his manners kind and agreeable. He was, like most old mountaineers, very generous and hospitable, and was respected and trusted by white men and Indians alike. He always treated Indians with justice and had their confidence to a high degree." After safely piloting the judges to Salt Lake Bridger returned to Fort Laramie.

In 1865 Bridger was engaged at Fort Laramie by the War Department to guide a Government expedition against the Indians on the Powder River. For this excursion he received $10 per day. The expedition was ordered by Gen. Grenville M. Dodge and Gen. Patrick E. Connor. The Powder River Indians had been attacking emigrants on the Bozeman Trail. Bridger had foreseen this danger, because the trail went through their choicest lands, and had taken a more southerly route in his race with John M. Bozeman for Virginia City in 1864. He remained with the Powder River expedition until 1865, going back to his farm in Missouri, where his son Felix had returned from the Civil war.

Bridger's last duty as a guide was rendered in 1868. He escorted Gen. P. H. Sheridan in a campaign against the Indians of the Southwest. His eyesight was beginning to fail him and in the summer of 1869 he turned toward Missouri, realizing that his place was with his children.

During the time Bridger trapped in the West he was married three times. Many of the trappers resorted to the Indian custom of the plurality of wives, but Bridger did not. His first wife was the daughter of a Flathead chief. The date of the marriage is not known. Their oldest daughter, Mary Ann, was sent to the Whitman School at Walla Walla. She was eleven years old at the time of the Wailatpu massacre and was killed. The other children, Felix and Josephine, were sent to school in Saint Louis. In 1863 Felix enlisted in the army, serving through the Civil war and with Custer in Texas and Indian territories. He died in 1876 on a farm near Santa Fe, Missouri. Nothing has been heard of Josephine since her schooling in Saint Louis.

Bridger's second wife was a Ute. She died in 1849, after the birth of her first child. The child was brought up on buffalo's milk, and when she was five years old, Virginia was sent to Bridger's friend, Robert Campbell, in Saint Louis. Two years later she joined her sister Josephine in the convent at Saint Charles. Mrs. Virginia Bridger Hahn (formerly Mrs. Wachsman) was the only child of Bridger's living in 1924. She cared for her father during the latter part of his life and has given much information concerning the old trapper.

In 1850 Bridger married a Snake Indian. The same year he moved from Fort Bridger to Santa Fe, Missouri. A daughter, Mary, was born in 1853. Very little is known about her life. A son, William, born in 1857, died in 1892 from consumption. Mrs. Bridger died in 1858.

A person who claims he knew Bridger made the following statement: "He treated his Indian wife as a wife, not as a mistress, and he was as careful of his half-breed children as any parent on the borders of civilization could be."

The last years of Bridger's life were spent in an endeavor to collect money from the Government for their lease on Fort Bridger. Eight years after his death his family received payment for the improvements on the fort but no rent was paid. From 1871 until his death Bridger remained on his farm near Santa Fe, Missouri. His eyesight was nearly gone and his time was spent "living over" the life he had lived on the plains. He died July 17, 1881, and was first buried on his farm. Later his body was moved to Kansas City, Missouri, by General Dodge, who erected a monument to his memory in 1904, bearing this inscription:[21]

1804—James Bridger—1881

Celebrated as a hunter, trapper, fur trader and guide.
Discovered Great Salt Lake 1824, the South Pass 1822-
1823. Visited Yellowstone Lake and Geysers 1830.
Founded Fort Bridger 1843. Opened Overland
Route by Bridger's Pass to Great Salt Lake.
Was a guide for U. S. exploring expedition,
Albert Sidney Johnston's army in 1857, and
G. M. Dodge in U. P. surveys and
Indian campaigns 1865-66.

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[21] This is Bridger's only monument so far as known.

The Meaning of the Fur-Trading Era

The fur-traders did not come into Montana in order that they might civilize the savages; nor did they come to acquaint themselves with the nature of the country in order that they might inform the students of geography and ethnology concerning the region. The fur-traders came only for wealth; their pursuit frequently brought them in conflict with the Indians, who resented the coming of white men, so that much blood was spilled in this era. Manuel Lisa was the greatest of these fur-traders, but we must not neglect William Ashley and Kenneth McKenzie. Alexander Culbertson and Maj. John Owen have left a permanent record which may not be forgotten.

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CHAPTER VI

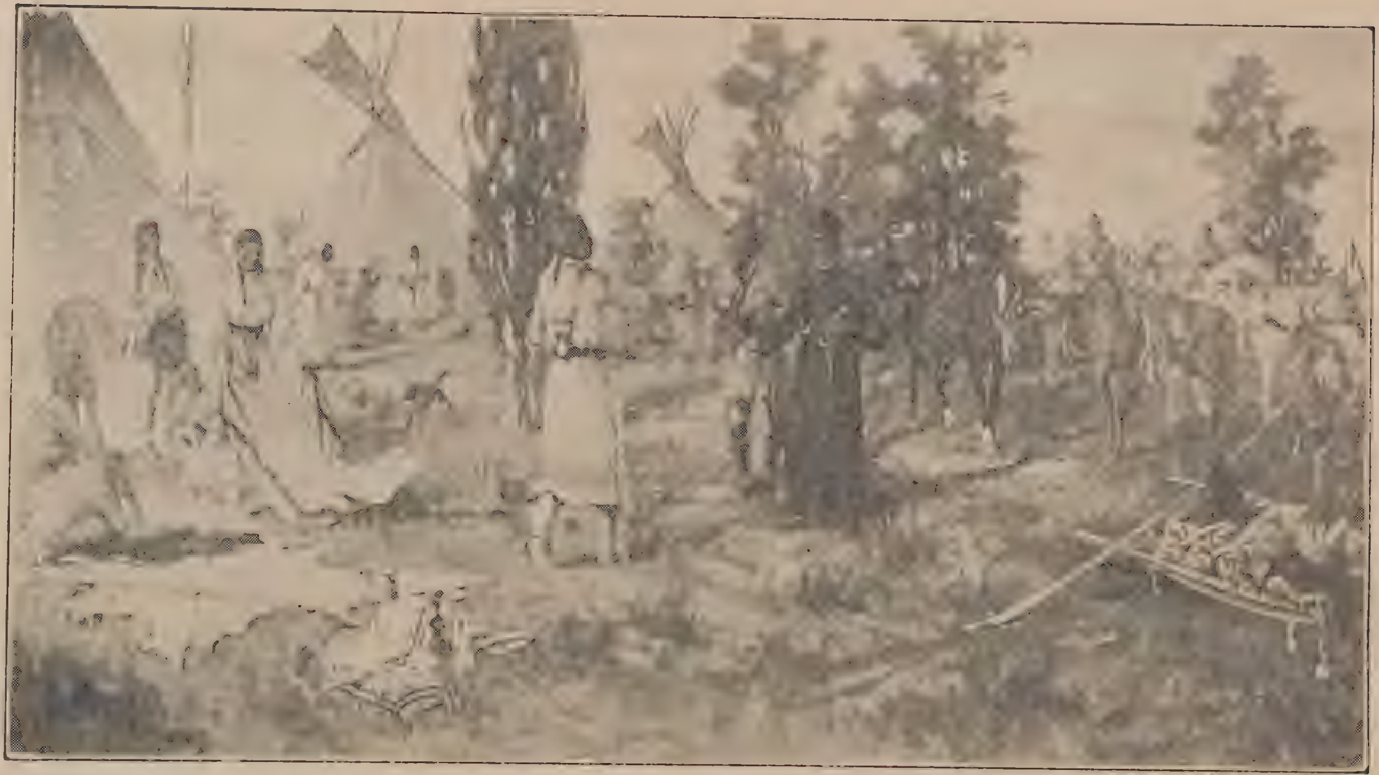
MISSIONS AND THE BEGINNING OF SETTLEMENT

The explorer brought out of Montana a knowledge of the flora, the fauna, the ethnology of the aborigines, and the terrain. The fur trader added to the information produced by the explorer and gained wealth by carrying out the peltries trapped by the Indians or by the servants of the fur companies. Neither cared anything about the permanent development of Montana or the improvement of the woeful condition of the aborigines; in fact, both taught the Indians that contact with the whites was always unprofitable in the long run—the Blackfeet were always hostile to the whites as long as the interlopers remained numerically inferior. But a new era was coming, an era when white men desired to bring something good to the Amerinds rather than to get something from them. It was the era of missions.

A former chapter has recited how the initiative in the evangelization of Montana rested with the aborigines, rather than with the whites—be it said to the everlasting shame of the latter. We have seen how a little band of Indians, in all probability Montana Indians, went to Saint Louis requesting further light concerning the Gospel. But even this plea failed to bring immediate results. If, as Father De Smet thought, the petitioners were Selish (Flat Heads) from the Bitter Root Valley, instead of Nez Perces from the region west of the Bitter Roots, as some historians have believed, then nine years were permitted to elapse before the call was answered by the Catholic Church, and nearly three times that long before any Protestant body attempted to evangelize the Montana aborigines.

The first missionary to take an interest in Montana was a young Jesuit father, Pierre Jean De Smet. The Jesuit order, properly known as the Society of Jesus, was founded by Ignatius Loyola, a Spanish soldier, in 1534. Its chief purpose was to counteract the Lutheran and Calvinist propaganda which was making great headway in Europe at the time, and to make known to infidel people of every clime the blessings of the Christian religion. The society chose for its motto *Ad majorem Dei gloriam*, commonly abbreviated everywhere A. M. D. G., being translated, "To the greater glory of God," thereby signalizing the objective of the earnest devotion with which their brothers, both lay and clerical, labored.

This society sent its members into Mexico at an early date, and in Lower California had the Loretto Mission working by 1697. The principal work of the Jesuits, however, was in Canada, where they began operations before 1629. In the century following, their work spread from the Saint Lawrence Valley, throughout the region north of the Great Lakes, along the portages of the Ohio and Mississippi valleys, and throughout New France. Names like



FATHER RAVALLI MEETING INDIANS AT ST. MARYS

Joliet and Marquette have become an integral part of American history, and so faithful was this order in its evangelistic labors, unfortunately labors very meagerly requited, that the Plenary Council of the Roman Catholic Church, held at Baltimore in 1835, assigned all its missionary work among the Indians in United States territory to this society.

In 1823, it was decided to establish a novitiate of the society at Saint Louis, and in the company of twelve who were sent out was a young Belgian, Pierre Jean De Smet by name. De Smet had been born at Termonde, Belgium, or, to be chronologically exact, Termonde, Flanders, for Belgium had not yet been organized, January 30, 1801, a twin, the eleventh child of his father, Josse-Armaud De Smet. At the age of twenty, Pierre Jean crossed to America and shortly thereafter entered the Society of Jesus. In 1833, he became a naturalized citizen of the United States of America; and at once returned to Europe to raise funds for the work at Saint Louis and the expansion of missionary labors among the Indians. Upon his return to America he was sent to found a mission among the Pottawatomies, who were then located in the vicinity of Council Bluffs, Iowa (1838).

The liquor traffic among the Indians did them so much damage as greatly to arouse the good missionary's ire. In a racy narrative he describes the effect of one debauch as follows:

"A war of extermination appears preparing around the poor Pottawatomies. Fifty large cannons have been landed ready charged with the most murderous grape shot, each containing thirty gallons of whiskey, brandy, rum or alcohol. The boat was not as yet out of sight when the skirmishing commenced. After the fourth, fifth and sixth rounds, the confusion became great and appalling. In all directions men, women and children were seen tottering and falling, the war-whoop, the merry Indian song, cries, savage roarings, formed a hideous medley. Quarrel succeeded quarrel; blow followed blow. The club, the tomahawk, spears, butcher knives, brandished together in the air. Strange! astonishing! only one man, in this dreadful affray, was lost—drowned in the Missouri. Another was severely stabbed and several noses were lost."[1]

In 1835, another deputation of Indians, this time most assuredly Selish from the Bitter Root Valley, went to Saint Louis and repeated the earlier request for "Black-robes," that is, Jesuit missionaries. Two years later, a third party started for Saint Louis, consisting of three Selish, and one Nez Perce, and Ignace La Mousse, one of the Iroquois who had brought the rudimentary knowledge of Christianity among the Selish. At Fort Laramie they were joined by W. H. Gray, a layman who had accompanied the Presbyterian mission to Oregon, returning for reinforcements. On the South Platte this company was attacked by Sioux. The whites were ordered to stand apart, for the Sioux did not wish to kill the whites; Ignace, dressed like a white, was mistaken for one of them and segregated from the Indians, but he refused to take this advantage and heroically died with his fellows.

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[1] Chittenden and Richardson, *Life, Letters and Travels of Father Pierre-Jean De Smet, S. J. 1801-1873.* Francis P. Harper, New York, 1905. Four volumes.

A fourth, and this time successful, deputation consisting of two Iroquois set out with a party of trappers by way of the Yellowstone and Missouri in canoes, bound for Saint Louis. At Saint Joseph's Mission, at Council Bluffs, they interviewed Father De Smet and told him of their desire for a priest to go into the Selish country and explain further some of the things the Iroquois had told them of Christianity. Of these Iroquois, De Smet wrote: "On the 18th of last September two Catholic Iroquois came to visit us. They had been for twenty-three years among the nation called the Flatheads and Pierced Noses, about a thousand Flemish leagues from where we are. I have never seen any savages so fervent in religion. By their instructions and examples they have given all that nation a great desire to have themselves baptized. All that tribe strictly observe Sunday and assemble several times a week to pray and sing canticles. The sole object of these good Iroquois was to obtain a priest to come and finish what they had so happily commenced. We gave them letters of recommendation for our Reverend Father Superior at Saint Louis. They thought nothing of adding three hundred leagues to the thousand they had already accomplished, in the hope that their request would be granted."

The Iroquois were sent on down the river to Bishop Rosati at Saint Louis, who forwarded their request to the head of the society at Rome. The Indians were examined as to their Christian faith, admitted to holy communion and confirmation. The good bishop promised them that he would send a missionary, and they returned with the good news to their people.

In fulfillment of this promise Father De Smet was appointed to the task. In April, 1840, he joined the American Fur Company's expedition up the Platte and reached the Green River rendezvous in Southern Wyoming on June 30th. Here several thousand Shoshones (Snakes) awaited their coming. When the whites were seen to be approaching a welcome was prepared. After camp had been made, 300 mounted warriors galloped into the midst of the camp. "They were hideously painted," noted De Smet.

Armed with their clubs, and covered all over with feathers, pearls, wolves' tails, teeth and claws of animals, outlandish ornaments, with which each one had decked himself out according to his fancy. Those who had wounds received in war, and those who had killed the enemies of their tribe, displayed their scars ostentatiously and waved the scalps they had taken on the ends of poles, after the manner of standards.

Father De Smet made use of this opportunity to acquaint himself with the religious beliefs and customs of these people. They believed the residence of the Great Spirit to be in the sun, in fire and in the earth. Accordingly, when they took oath they swore by the sun, the fire and the earth. On the death of a chief or warrior, his wives, children and nearest relatives cut their hair to show their deep mourning. In further carrying out this odd custom they clip the manes and tails of all the horses belonging to the deceased, giving the animals a most sorry appearance. They were wont to make a pile of the dead man's possessions in the middle of his lodge and, cutting the poles that supported the lodge into little pieces, burned all his property as a holocaust.

After this sacrifice the corpse was tied upon a favorite horse and led to the edge of a nearby river. The warriors then frightened the animal with horrible yells and forced him to leap into the river bearing his master's body. This was done in order that the animal might transport his master without delay to the land of souls.

In further token of their great sorrow, they gashed themselves in all the fleshy parts of their bodies, claiming that their sorrow escaped through these wounds, but Father De Smet was shocked by the inconsistency of this exaggerated mourning, saying, "Would you believe that these same people, who feel the death of a relative so keenly, have, like the Sioux, the Pawnees and most nomadic tribes, the barbarous custom of abandoning the old and the sick, pitilessly, to the ferocious beasts of the desert, as soon as they begin to be in the way in their hunting expeditions?"

At this rendezvous he found a Fleming beaver hunter who lived in the mountains, Jean-Baptiste de Velder, an old grenadier of Napoleon's, who undertook to guide him north. Ten Canadians also joined. In the Teton Mountains, De Smet found a camp of 1,600 Selish (Flatheads) and Pend d'Oreilles. "The day after my arrival among them, I had nothing more urgent to do than to translate the prayers into their language, with the aid of a good interpreter (Gabriel Prudhomme). Fifteen days later, at instructions, I promised a medal to the first who should be able to recite without a mistake the Pater, the Ave, the Credo, the ten commandments of God and the four acts. A chief rose: 'Father,' he said, 'your medal belongs to me!' And, to my great surprise, he recited all these prayers without missing a word; I embraced him and made him my catechist. The good savage put so much zeal and perseverence into his task that in less than ten days the whole nation knew their prayers."

Here De Smet baptized "nearly 600." He said, "I was not able to discover among these people the slightest blameworthy act, unless it was their gambling—these games were unanimously abolished, as soon as I had explained to them that they were contrary to the commandment of God, saying, 'Ye shall not covet anything that is your neighbor's.' Slander is unknown even among the women; lying is hateful to them beyond anything else."

De Smet Enters Montana

On July 24, he crossed into Montana and, going down the Jefferson River, he came to Three Forks August 21. "In this great and beautiful plain were buffalo in numberless herds. From Green River to this place, our Indians had made their food of roots and the flesh of such animals as the red and black-tailed deer, elk, gazelle, bighorn or mountain sheep, grizzly and black bear, badger, rabbit and panther, killing occasionally such feathered game as grouse, prairie-hens (a kind of pheasant), swans, geese, cranes and ducks. Fish abounded besides in the rivers, particularly salmon trout. But cow-meat is the favorite dish." On August 27, amid prayers and weeping, Father De Smet left his Indian friends. With an escort of three chiefs and seventeen warriors he went up the Gallatin, through Bozeman Pass and down the Yellowstone, through the Crow country on horseback to Fort Alexander. There he left his Selish (Flathead) escorts September 13 and, accompanied only by his Fleming guide, rode down the valley, through country infested by the war parties of the Blackfeet, Assiniboines, Gros Ventres, Aricaras and Sioux, to Fort Union, which he left September 23, bound for Saint Louis, where he arrived, after many interesting adventures, on New Year's eve (1840-1841).

The presence of so many Indians was due partly to the great abundance of game. Innumerable herds of buffalo pastured in the grassy meadowland; the fleet and majestic elk shared the grazing of the bison. Clouds of agile little antelopes, looking, in the distance, scarcely larger than jackrabbits, took flight "with the swiftness of arrows." The bighorn mountain sheep were to be seen among the projecting crags, and black-tailed deer were everywhere abundant. The streams were in possession of beavers, otters and muskrats, while ducks, geese and swans floated on the surface. The Selish Indians had an interesting legend that the beavers were once evil Indians enduring the punishment of animal forms in expiation of their sins. And witnesses were not lacking who claimed they had overheard beavers sit in council upon offending members of their society.

The group control exercised by these aquatic rodents gave color to this superstition. It appears to observers that several older beavers supervise and direct the work of felling trees and chastise the indolent members of the group. They appear able to drop the trees they cut down in whatever direction they desire and exercise care to avoid being caught in the fall. After the tree is felled, the trunk is divided into sections of convenient size for rolling into the dam under construction. Beavers are said to outlaw and exile members of their group which refuse to work.

The following year Father De Smet, after collecting $1,500 for the expenses of another expedition and the founding of a mission, set out for Montana. He reached Fort Hall by the middle of August. This interesting trading post in Southeastern Idaho had been built by Nathaniel J. Wyeth in July, 1834, and had been sold to Hudson's Bay Company for use in their business in 1836. Thence De Smet and his party went into the Deer Lodge country of Southwest Montana. He described the Warm Springs thus: "This spring is situated on the top of a mound thirty feet high, in the middle of a marsh. It is accessible on one side only, and is formed of a stony crust deposited by the spring, which has risen as the mound has grown. The water bubbles up on the top, and escapes through a number of openings at the base of the mound, the circumference of which seems to be about sixty feet. The waters at the base are of different temperatures—hot, lukewarm, and cold—though but a few steps distant from one another. Some indeed are so hot that meat may be boiled in them. We actually tried the experiment."

The Flathead Mission in the Bitter Root Valley

On the right bank of the Bitter Root River, about twenty-eight miles from its mouth, near the location of the present town of Stevensville, in Ravalli County, Father De Smet built his mission station for the Selish, assisted by Fathers Gregory Mengarini and Nicholas Point. With the three priests were three lay brothers of the Society of Jesus, Joseph Specht, an Alsatian, and two Belgians, Charles Huet and William Claesses, who "by their diverse nationalities seem to have foreshadowed the cosmopolitan character of the population of the State of Montana." (Palladino, *Indian and White in the Northwest,* page 29.)

BITTER ROOT VALLEY

The three lay brothers were assisted by the Selish in building the church and residence. With no other tools than axe, saw and augur, a chapel was constructed "with pediment, colonnade and gallery, balustrade, choir, seats, etc."

On Saint Francis Xavier's Day 202 adults were baptized, much to the wrath of the Power of Evil, according to the good founder who wrote his superior, "So many souls wrested from the demons was more than enough to excite their rage—seeds of distrust, hindrances occasioned by the best intentioned, the sickness of the interpreter and sexton, at the very moment their assistance was most required; a kind of hurricane, which took place the evening before the baptism and which overturned three lodges in the camp, the trees torn from their roots, and everything in appearance about to be uprooted, even to the foundations of the church—the organ unintentionally broken by the savages on the eve of being applied to so beautiful a purpose—all seemed to conspire against them; but the day for baptism arrives, and every cloud disappears."

The question of marriage was a troublesome one for the priests. The Selish were accustomed to polygamous relations and to a very lax system of divorce, although their own marriage ceremony included a promise that they would maintain a monogamic relationship until death intervened. The fathers decided to enforce a monogamic relation and to unite in Christian marriage those who had been baptised and would consent to dismiss the plurality when they had more than one wife. The decision as to which wife was to be dismissed was left to the husband. Some retained the first wife; others retained her whose children were the more numerous.

The first mass had been celebrated on the Feast of the Most Holy Rosary, October 5. A most idyllic picture was drawn of the way in which these Indians welcomed the Gospel.

Writing of them in 1845, Father De Smet said:

"Their number amounts to about 550. Since the regulation of marriage no Christian principles have been introduced among them. They are visibly on the increase. The Flatheads may be called a grave, modest and decent people. The gross vices so common among many other nations are unknown among them. Adultery is of the rarest occurrence and their honesty has been even acknowledged by all travelers and strangers who have visited their country. Any object found is immediately restored to the owner, if known; if not, it is deposited with the chief or Blackrobe. Their piety is truly moving."

Like favorable testimony to the Selish was given by Sergeant Gass of the Lewis and Clark expedition and by a Mr. Cox, an employee of the Pacific Fur Company. Cox spoke of them as honest in their dealings, enemies to every kind of falsehood, and cleanly in their habits. Their women were faithful wives. The explanation of this moral superiority of the Selish is simple. A party of migrating Iroquois had brought among them some of the Christian tenets learned from the French Jesuits in the seventeenth century. In 1844, the mission raised 900 bushels of potatoes from forty bushels of seed. Carrots, beets, parsnips, turnips grew readily. Some sixty head of cattle and a number of hogs and poultry had been introduced. Buffalo and beaver were becoming scarce. Father Anthony Ravalli, who was sent to Saint Mary's Mission from the Colville Mission in the fall of 1845, made a water-powered grist mill, in order that the wheat might be made into flour. Prior to the making of the mill the whole grain had been boiled and eaten as we eat cracked wheat today as a breakfast food. The fifteen-inch mill stones were brought from Europe. The first Montana sawmill was made here by the Jesuits. Four wagon tires welded together made a crank; a fifth was flattened and hardened by much hammering, then filed into a saw.

In the spring of 1850, owing to the indifference and estrangement of the Indians, the buildings were leased to John and Francis Owen, who desired them for a trading post. In 1853, the Owens started to leave the place when they met Lieutenant Arnold, U. S. A., coming to establish a supply depot in the Bitter Roots. This meeting persuaded them to remain. In 1862, Father Giorda succeeded Father Congiato as superior of the Rocky Mountain missions and in 1866 reopened Saint Mary's Mission. Father Ravalli, one of the staff who quitted it in 1850, was assigned with others to the reopened post and remained there until it was finally closed in 1891 upon the removal of the few remaining "Flatheads" to the Jocko Reservation.

The Founding of Saint Ignatius Mission

The second Catholic mission to be established in Montana was called the Saint Ignatius Mission, and located some thirty miles south of Flathead Lake in September, 1854. To Fathers Adrian Hoecken and Joseph Menetrey belong the honor of this establishment. Father Hoecken was willing to share this honor with Lieut. John Mullan, U. S. A., of whom he wrote to Father De Smet, October 18, 1855, "I know not how to acquit the debt of gratitude I owe to this excellent officer. I can only pray, poor missionary as I am, that the Lord may repay his generosity and kindness a hundred fold in blessings of time and eternity." A flour mill and whip-saw mill, both water-powered, were soon built by the missionaries. The sawmill furnished lumber to erect a large church 40 by 100 with a fifty-foot belfry, all put together with wooden pins. For this church, Father Ravalli himself carved a life-size crucifix. The same cause which brought disaster to Saint Mary's Mission brought prosperity to Saint Ignatius, the incoming of the white men into the Bitter Root Valley.

In 1864, Father Giorda and Grassi arranged for the opening of an Indian boarding school to be operated by four Sisters of Providence from Montreal. The sisters travelled by the water route over the Isthmus of Panama, to San Francisco and Vancouver, Oregon. From that port they went to Walla Walla, and across the mountains for a month's journey, going by way of Lake Coeur d'Alene and Frenchtown, arriving at Saint Ignatius October 17th. After some hardships, Government aid was secured and the schools for both boys and girls were in successful operation. At Saint Ignatius Mission a printing press was established, brought from Saint Louis in 1874, from which was issued a 1,100-page dictionary of the Kalispell language.

The Blackfoot Mission (Saint Peter's)

The third mission was the one to the Blackfeet, whose lands lay east of the Rockies. The mission, once located, was to be named Saint Peter's out of respect to the father general of the Society of Jesus, Peter Beccx. It must be remembered that all work among the Indians within the United States had been confided by the Catholic Church to this society, and practically all Catholic missionaries in early Montana were Jesuits. A good location was difficult to find, but after several attempts it was permanently placed on the Bird-Tail Divide, which separates the waters of the Sun River from those of the Missouri until the northern stream becomes a part of the larger a few miles west of the site of Great Falls. Saint Peter's was located shortly before the great influx of miners in 1863; friction between whites and Indians brought on a guerilla warfare and the mission had to be temporarily closed before it was even well begun. When the Blackfeet were forced into a reservation sixty miles from the mission site and their spiritual care confided by the Federal Government to Protestants, Saint Peter's Mission was threatened with disaster. Later it revived, and became the site of an important Indian school and convent of the Ursuline nuns; but when the Government abated its contracts with the Jesuits for the education of Indian children, the mission was finally doomed. In a later period other Catholic missions to the Indians were founded, but these lie outside the story of the settlement of Montana.

That Montana would soon cease to be an Indian domain was apparent even before the discovery of gold sealed the fate of these unhappy people. As early as 1846 De Smet foresaw the destruction of the aborigines. "Permit me, Reverend Father," he wrote to his superior, "to express to you my uneasiness as to the probable future lot of these unhappy tribes; it is becoming more alarming day by day. What future awaits them? The plains where the buffalo graze are becoming more and more of a desert, and at every season's hunt the different Indian tribes find themselves closer together. It is probable that the plains of the Yellowstone and Missouri and as far as the forks of the Saskatchewan, occupied today by the Blackfeet, will be within the next dozen years the last retreat of the buffalo. Will there be enough of these wild animals to feed the hundred thousand Indians of this region? The Crees, the Assiniboines, the Snakes, the Bannocks, the Crows, the Blackfeet, the Aricaras and the Sioux are drawing nearer to these plains each year; whenever they meet, it is war to the death. These meetings must naturally become more frequent, and it is to be feared that the last of the buffalo may be disputed in a last fight between the unfortunate remnants of these unhappy tribes."

The Fort Laramie Treaty, 1851

The first treaty affecting Montana Indians was negotiated at Fort Laramie, in Southern Wyoming, September 17, 1851. Representing the United States Government were D. D. Mitchell, superintendent of Indian affairs, and Thomas Fitzpatrick. The Indians agreed that no depredations would be made upon the whites and the whites agreed that they would not make war upon the Indians. Furthermore, the United States Government promised to pay $50,000 yearly for ten years in treaty goods for freedom from the attack upon travellers along the Overland Trail, for at this time several thousand persons were yearly travelling to Oregon. This treaty was not approved by the Senate, and hence did not become effective. But it did have the value of defining the areas occupied by the several tribes as follows: The territory of the Sioux or Dacotahs extended from the mouth of the White Earth River to the forks of the Platte, up the North Fork to the Red Butte; thence via the Black Hills to the head of the Heart River; thence to the mouth of the Heart, and down the Missouri to the White Earth River. The territory of the Gros Ventres, Mandans and Aricaras commenced at the mouth of the White Earth River; thence up the Missouri to the Yellowstone to the Powder; thence along the Black Hills to the head of Heart River, and down that river to the place of beginning. The Assiniboines were given the country from the mouth of the Yellowstone, up the Missouri to the Musselshell; thence to the headwaters of Big Dry Creek; down that creek to the Yellowstone, and thence down the Yellowstone to its mouth. The Blackfoot country commenced at the mouth of the Musselshell; thence up the Missouri to its source; thence along the Rocky Mountains to the headwaters of the northern source of the Yellowstone, down the Yellowstone to Twenty-five Yard Creek; thence across the head of the Musselshell, and down that river to its mouth. The Crows were to occupy the country commencing at the mouth of Powder River, up Powder River to its source, along the main range of the Black Hills and Wind River mountains to the Geyser Park or headwaters of the Yellowstone, down the Yellowstone to the mouth of Twenty-five Yard Creek; thence to the head of Musselshell, down the Musselshell to its mouth; thence to the head of Big Dry Creek, and thence to its mouth. In addition to those tribal districts the Cheyennes and Arapahoes were granted a large territory extending from the North Fork of the Platte down to the crossing of the Arkansas River by the Santa Fe Trail.

AT THE GATEWAY OF THE ROCKY MOUNTAINS

This was an era of new interest in the West. In 1847 the first Mormons had moved into Utah and founded Salt Lake City. In 1848-55, 17,000 emigrated from the United States into this region. When the emigration was first organized it was assumed that Utah lay outside United States territory and the object of the emigration was to get beyond the control of the United States Government. During the years of 1857-59 the Mormons were in rebellion, but were finally defeated by the United States troops.

In 1848 the gold rush to California started an event that had more influence than any other in developing the West. In 1853

Congress appropriated $150,000 for a survey of the railroad routes to the Pacific Coast. Isaac I. Stevens, brevet-major of the United States Army, asked Pierce prior to his inauguration, for the governorship of Washington, confirmed March 17, 1853, and for the command of the survey party on the northern route to the Pacific, to which he was appointed on April 8, 1853. He resigned his command as lieutenant of engineers and brevet-major. Under the administration of Jefferson Davis, secretary of war, he was given the task to explore a railroad route from Saint Paul to Puget Sound and to explore the passes of the Cascade Range and Rocky Mountains.

Stevens Surveys a Railroad Route, 1853

Stevens took with him Alexander Culbertson as his Indian agent, Mr. Stanley, an artist, Elwood Evans, and Lieutenants Grover, Donelson and Mullan. Rendezvousing at Fort Union, the command left August 10th for their long trip to the coast. They found the Indians very restless along their journey and finally on September 1st they reached Fort Benton. White Crane, a Blood Indian, reported the following route, afterward surveyed by Lieutenant Mullan and known as his route: From Fort Benton to Sun River it took three days; along Sun River, one day; to ridge, four days; along ridge and crossing, nine days; on tenth day pass over a level plain and camp on Red Shell River, a tributary of the Missouri; eleventh day, go over Prickly Pear Prairie to foot of next dividing ridge; twelfth day, across ridge to stream flowing into the Columbia; nine days more to Saint Mary's. A day's journey, about twenty-four miles. On September 22 they left Fort Benton and went along the Sun River, turned south to the Dearborn, and along the Dearborn, across the divide and down the Little Blackfoot to Fort Owen. Lieutenant Mullan, in the meantime, explored the Judith Basin. "The whole country was found to be beautiful; a level plateau between the Girdle (i. e., Belt) and Judith mountains, traversed by the numerous branches of the Judith River and covered with excellent and high grass. Innumerable herds of buffalo were feeding near the mountains, and the small ponds swarmed with geese and ducks. The climate he compares to that of Virginia in May (this was in September), and frequent rains, chiefly at night, were beginning to renew the glowing season and the verdure of the plains." Mullan swung southwest to the Missouri River upstream from the Gates of the Mountains, explored the Prickly Pear Valley, crossed to the Little Blackfoot and down the Hell Gate River to the main party at Fort Owen. After a conference with the Flatheads in the Bitter Root Valley, Stevens went over the mountains to the Coeur d' Alene Mission, which took them out of Montana.

Lieutenant Mullan and a party were left to explore Western Montana. In a letter written ten years later he mentioned the services of Gabriel Prudhomone, who had assisted De Smet in 1841. "During the winter of 1853," said Captain Mullan, who had received an increase in rank between the time that he served under Governor Stevens and the time that he surveyed his famous wagon road, "many were the conversations held with whomsoever could give us information of the geography of the country, and through a half-breed named Gabriel Prudhomone, who had been a voyageur and traveling companion of the earlier Jesuit fathers in their pilgrimage through the Rocky Mountains, I was enabled to glean such data concerning a line from the Bitter Root Valley to Fort Benton that I was induced in the spring of 1854 to explore it with a small party. Upon examination it proved to be not only feasible in itself, but, with a small amount of labor, could be rendered a very proper connection with the line we had followed from Saint Paul's, Minnesota."

Lieutenant Grover explored the region around Fort Benton. Mullan's famous wagon road from Fort Benton to Walla Walla was explored in March, 1854. Starting from that fort with a loaded wagon hitched to four mules, he followed the level prairie road to Sun River, thence to Dearborn River, thence to the valley of the Little Prickly Pear, and found an easy wagon road 124 miles south from Fort Benton. He crossed the Rocky Mountains at a divide now known as Mullan's Pass, northwest of Helena about twenty miles. He said, "Indeed, the ascent and descent were so exceedingly gradual that not only was it not necessary to lock the wheels of the wagon in descending, but it was driven with the animals trotting." Following down the Little Blackfoot and Hell Gate to the Bitter Root, he crossed the Bitter Root range near the town of Mullan, Idaho, and thence down through the beautiful narrow gorge known as the Fourth of July Canyon to Lake Coeur d'Alene, and thence to the Columbia River Valley. He had come from Fort Benton to Fort Owen, in the Bitter Root Valley, in fourteen days with a loaded wagon over a route never before traversed by civilized transport.

Mullan found the Jesuit fathers and half-breeds willing to aid him in all ways, but the Nez Perces were much averse to giving any information about the country or serving him in any way. On the other hand, the Selish (Flatheads, as Mullan called them) willingly supplied him with 117 horses and twenty men. Mullan highly appreciated this kindness, saying, "Such nobleness of character as is found among some of the Flatheads is seldom seen among Indians; and I here record to their credit that I never had a want but which, when made known to them, they supplied, and that they always treated myself and my parties with a frank generosity and a continuous friendship."

The three missions of the Jesuits, among the Coeur d'Alenes, among the Pend d'Oreilles and Flatheads, and among the Blackfeet, aroused Mullan's highest regard. He rejoiced to see the Indians taught to till the soil as well as to worship God, and noted that the Jesuits wielded a larger and better influence than Government agents had ever attained. "Far removed, as yet, from contact with civilization, their lives of upright moral rectitude, zeal in behalf of the Indian, their morning, noon, and night devotion, when all the tribes assemble and chant paeans to the Almighty, the perfect harmony that exists in their social family of Indians and half-breeds, has ever won my highest admiration. In all that tended towards the ultimate success of my movements, I have ever enjoyed their kind cooperation and zealous support, and during the many years spent near their mountain homes the kindest and warmest relations have ever existed between us."

Captain Mullan recommended that the Jesuits be granted Federal aid in providing schools and hospitals for these wards of the Government; for they were then, out of their meager resources, trying to minister in these ways to the Indians.

"The Coeur d'Alene Mission has the Fathers Joset and Gazzoli, and Brothers Francis, McGuire, and Campapiano. They have chosen a beautiful site, on a hill in the middle of the mission valley, and it has always proved to the weary traveller and destitute emigrant a Saint Bernard in the Coeur d'Alene Mountains. I fear that the location of our road, and the swarms of miners and emigrants that must pass here year after year will so militate against the best interests of the mission that its present site will have to be changed or abandoned. This, for themselves and the Indians, is to be regretted; but I can only regard it as the inevitable result of opening and settling the country. I have seen enough of Indians to convince me of this fact, that they can never exist in contact with the whites; and their only salvation is to be removed far, far from their presence. But they have been removed so often that there seems now no place left for their further migration; the waves of civilization have invaded their homes from both oceans, driving them year after year towards the Rocky Mountains; and now that we propose to invade these mountain solitudes, to wrest from them their hidden wealth, where under heavens can the Indians go? And may we not expect to see these people make one desperate struggle in the fastnesses of the Rocky Mountains for the maintenance of their last homes and the preservation of their lives? It is a matter that but too strongly commends itself to the early and considerate attention of the general Government. The Indian is destined to disappear before the whiteman, and the only question is, how it may best be done, and his disappearance from our midst tempered with those elements calculated to produce to himself the least amount of suffering, and to us the least amount of cost.

Hunting for Pleasure

A large hunting expedition intended for pleasure and not for profit headed by Sir Saint George Gore, a wealthy English bachelor, ascended the Missouri in 1854. He had with him a party of forty-three men to care for his numerous train of wagons, loaded with the necessary supplies for a long stay in the wilderness, and had secured the services of the well known scout, Jim Bridger, as his guide. Following up the valley of the North Platte, hunting as he went, he crossed to the mouth of Tongue River, where he built a fort for the protection of his party. This fort being located in the favorite hunting grounds of the Crows, and the enormous destruction of game excited the wrath of the Indians and brought forth a remonstrance. They were willing, they said, that game should be killed for food, but they objected to the wholesale slaughter for mere sport, the carcasses being left to decay upon the prairie. From a letter of the Indian agent to his superintendent under date of July, 1856, it appears that 105 bears and some 2,000 buffalo, elk and deer had already been slaughtered by this Britisher. At last, the Indians took their revenge by driving off a considerable number of his horses, and in the following winter stole the remainder from their quarters between Fort Union and Fort Berthold. In the summer of 1856 Sir Saint George left his camp on the Tongue River and descended the Yellowstone to Fort Union in boats made from the hides he had taken. At the mouth of the Yellowstone he encamped for a fortnight while constructing a boat to take him to Saint Louis. In the meantime his wagons had been sent to Fort Union by land and here he endeavored to sell them to the American Fur Company. Since he could not get the price he demanded, he burned the wagons and threw the metal parts in the river.

International complications and Indian wars in 1855 made treaties with the northwestern Indians highly desirable. The boundary between Washington Territory, of which Western Montana was then a part, and Canada was in dispute. And Britain was giving the American Government a considerable trouble in Nicaragua. These two causes of friction led many to expect war, and the western Indians were likely to take advantage of such an opportunity to attempt to gain their freedom. Serious uprisings west of the Columbia River in Washington Territory made the authorities very uneasy; so, under these conditions, it was deemed advisable to secure a better understanding with the Montana Indians, as well as those further west.

At Hell Gate, in the Bitter Root Valley, July 16, 1855, Governor Stevens of Washington Territory made a treaty whereby a confederation of Flatheads, Kootenay, and Upper Pend d'Oreilles, recognizing Victor as their chief, agreed that they would convey to the United States their lands, which was that portion of Montana lying west of the Rockies. In return, the Jocko Reservation was established near Flathead Lake, 1,433,500 acres, and entry of whites forbidden. One hundred and twenty thousand dollars was to be appropriated for the expense of removal and improvement of reservation, schools were to be established, a mechanic's shop and a hospital set up, and a salary of $500 per year to be paid to each of three chiefs together with a comfortable house and ten acres of plowed land.

On October 17, 1855, at the mouth of the Judith River, A. Cumming and Isaac I. Stevens made a treaty with "the chiefs, headmen and delegates of the following nations and tribes of Indians who occupy, for the purpose of hunting, the territory on the Upper Missouri and Yellowstone rivers, and who have permanent homes as follows:" East of the Rocky Mountains, the Blackfoot Nation, consisting of the Piegan, Blood, Blackfoot and Gros Ventres tribes of Indians; west of the Rocky Mountains, the Flathead Nation, consisting of the Flathead, Upper Pend d'Oreille, and Kootenay tribes of Indians, and the Nez Perce tribe of Indians; provided, that in Central Montana a common hunting ground should be recognized in which no permanent settlements were to be made. The Musselshell River was to be the boundary between the Blackfeet on the north and Crows on the south. The region east of the Rockies, north and west of the Musselshell and west of a line due north from the mouth of the Milk River was exclusively Blackfoot territory except for the hunting rights stipulated. The Indians agreed that United States citizens might live in and pass through these lands unmolested. In consideration, the Blackfoot Nation was to receive useful goods, provisions, and other articles at the President's discretion, to the value of $20,000 annually for ten years. Further, the United States would expend $15,000 annually to establish schools and instruct the Indians in agricultural and mechanical pursuits. The President might apply both appropriations for the latter purpose if he saw fit.

About two thousand Blackfeet, Bloods, Piegans, and Gros Ventres participated in the distribution of presents consisting of blankets, cotton prints, sugar, coffee and flour. The provisions meant little to the savages and they were glad to barter the coffee, or give it away, to the whites gathered around. For many years they did not acquire a taste for that drink, but later became quite addicted to it, remembering with sorrow their folly when they had a generous supply of the berry.

The First Census in Montana

The Blackfoot agent, at Fort Benton on September 10, 1858, reported that he, Alfred J. Vaughan, had counted the Blackfoot Nation and estimated the Gros Ventres at 2,100, of whom 400 were men; the Piegans at 3,700, of whom 500 were men; Blood, 2,400, of whom 500 were men; Blackfeet, 1,200, of whom 260 were men. He said that the Indians were well behaved; that they had complained of the poor quality and choice of treaty goods; and stated that bison were rapidly decreasing. That bison were decreasing was also stated by the agent at Fort Union. He said trade in robes less than half what it was ten years before, and that Indians were decreasing under inflammations, rheumatism, consumption, small pox, and venereal diseases.

The First White Settlers

With the establishment of the Indian reservation came a new interest in Montana. She was Mrs. Minnie Miller, the wife of Henry G. Miller, who accompanied Lansdale to the Flathead country. Other settlers began to come in. Judge Frank H. Woody drove an ox team, in a train of five, from Salt Lake City to Hell Gate for a Mormon named Van Etten in 1856. Two years later Thomas Adams had established a cattle ranch in Hell Gate Valley. In 1858 settlers belonging to Chouteau's firm came as far up the Missouri as Fort Benton for the first time in history. This year was also notable for the coming of two German Lutheran missionaries, John Jacob Smith and Moritz Breninger, who went to the Crows up the Yellowstone in 1858. Alexander Culbertson gave them passage on one of the company boats and their living for the year.

Beginnings of Political Organization

In 1859 the citizens of the Bitter Root Valley and the Flathead Agency in the Washington Territory asked to have Bitter Root County erected. Seventy-seven citizens' names, signed to this petition, are listed in *Bancroft's History of Montana.* (*Op cit.* XXXI, 619). In the session of 1860-61 two counties, Shoshone and Missoula, were created in that region east of 117 degrees and west of the Rockies. On the 14th of July, 1862, the few miners who had gathered in the Bitter Root Valley held their first election under the laws of Washington Territory at Pioneer Gulch, Fort Owen, and Hell Gate. The returns from this election made James Stuart sheriff of Missoula County, Washington Territory, which embraced what is now all of the present Missoula County and most of the region southwest to the Montana boundary. This was the first election held in the Rocky Mountains north of Colorado.

One of the first duties of the newly elected sheriff was to apprehend an old Frenchman who had stolen some horses and other articles, and had suddenly left for parts unknown with the new sheriff in hot pursuit. Stuart found the trail he was seeking, arrested his man near the Fergus ranch on the Prickly Pear Creek, and brought him back. A miners' meeting was called which tried and found the man guilty but, moved to pity by his age and deep contrition, they gave him a light sentence which was merely that he should return all of the stolen property and leave the country within twelve hours. Since he was entirely destitute, the court, which included nearly all the camp, gave him about fifteen dollars and some provisions.

About this time a man named Hurlburt discovered placer gold on Big Prickly Creek where the town of Montana City afterwards sprang up (some eight miles southeast of the present city of Helena). A few days after, John White and a party found the mines at Bannack City which proved to be very rich. About the same time, a party headed by John Slack found mines at the head of Big Hole River. The settlement known as American Fork, which had grown up near the Stuart ranch at the mouth of Gold Creek soon lost its importance owing to the exodus of miners who desired to take advantage of the mines at Bannack. The story of these mining ventures must be reserved for a later chapter.

About the middle of August three men arrived at American Fork from the lower country. They were in possession of five or six horses, but had very little other property. They soon gave evidence of being desperate gamblers. A week later, two men, heavily armed, slipped quietly into town, one evening, and, on meeting Sheriff Stuart inquired of him if three horse thieves who had fled from Elk City had come to American Fork. The names of the men wanted were William Arnett, C. W. Spillman, and B. F. Jernagin. The description of these fugitives tallied with that of the three men who had arrived shortly before. Sheriff Stuart assured the searchers that they should have all the assistance necessary to bring these men to justice, for horse stealing in the West was always considered a serious crime.

They found Spillman and arrested him without difficulty. The two others were found engaged in a monte game in a saloon. As the posse stepped inside the door, the criminals were ordered to throw up their hands. Arnett, who was dealing, instantly grabbed his revolver which he always kept lying in his lap ready for business. Before he could raise it he was shot through the breast and killed instantly. His partner Jernagin, surrendered without putting up any fight.

He and Spillman were carefully tied and placed under guard since the young community had no jail for the detention of prisoners.

The next morning proceedings were begun by burying Arnett who had died with the cards clamped so tightly in his left hand that they could not be taken from him and were buried with him. The two prisoners were then tried separately with the result that Jernagin was acquitted and given six hours to leave the country. Spillman, a large, handsome young man, apparently about twenty-five years of age, was found guilty and sentenced to be hung in half an hour.

This, the first execution in what is now Montana, took place on the afternoon of August 26, 1862. It caused the town of American Fork to be described as Hang town on all the western maps for some years thereafter, although it was never known by that name in its own vicinity.

While this affair may seem in these present days of lax law enforcement to have been unduly harsh, it must be remembered that there were no organized courts in the country, that the nearest jail was at Walla Walla, 425 miles distant across rugged mountains, that the community was too small and too poor to indulge in costly criminal prosecution and hence it was advisable, by means of swift and sure punishment, to strike terror into the minds of evil doers and to exercise by this means a restraining influence upon them.

The town of Hell Gate was founded on the old Indian trail up the canyon which bore this grewsome name.[2] In August 1860, Frank L. Worden and Christophor B. Higgins, partners under the firm name of Worden and Company, came from Walla Walla with a pack train bearing miscellaneous merchandise, having a sutler's license to trade with the Indians, and built a little log cabin to house their goods. They contracted with one David Pattee, who lived some two miles west of Missoula's present location, to furnish them a set of cottonwood logs which he had already hewed for building a home for himself. Frank H. Woody and a Frenchman, called Narcisse Sanpar, erected the building, which was still standing in 1911. This was the first store building erected within the present limits of the county of Missoula. With the exception of Fort Owen, near what is now Stevensville, and the Flathead Post of the Hudson's Bay Company, six miles from Saint Ignatius Mission, it was the first building erected for secular purposes in western Montana.

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[2] The name Hell Gate is an English translation of the French name for the mouth of the canyon where the waters of Rattlesnake creek join the Missoula river—Porte d' Enfer. The French derived this name from the Indian name Missoula, which means, "at the stream of surprise, or ambush." So, leading westward, there was little in the nature of the cañyon or of its western gateway to suggest the terrible name which was attached to it. It was a delightful route and it led to a beautiful valley. Through fragrant forest it led and among arbors of bloom. Clear and sparkling was the stream which flowed along it, and crystal springs gushed from its sides. Even yet after a generation of the sway of the lumberman's axe and devastating force of the railway builder's explosives, there remains much of the natural charm and beauty of this road through the hills. (Arthur L. Stone, 111.)

In 1861, P. J. Bolte built a saloon at Hell Gate, but only remained in business a part of one year. After he closed his bar there was no saloon in Hell Gate until in 1863 a stranger by the name of Cyrus Skinner reopened the saloon in the old Bolte building. This place became a "hang-out" of some tough-looking characters, who had followed him to town, and consequently it was never a popular resort. In January, 1864, a delegation of Vigilantes from Virginia City hanged the proprietor and his two companions for some offenses at the latter-named mining camp. By the early spring of 1865 the little town of Hell Gate, consisting of fourteen people, had witnessed nine violent deaths.

In March 1862 the building first erected by Worden and Higgins, traders and freighters, was used as the first meeting place of the first court in Montana. Henry Brooks was justice of the peace and dealt justice according to the laws of Washington Territory. Tin Cup Joe, a Frenchman, accused one Baron O'Keefe of misusing one of Joe's horses so as to cause its death, and brought suit to recover its value of forty dollars. The case impaneled six jurors and was duly tried according to law until cross examination raised a disturbance and a drawn battle broke up the court. After this interruption the court recovered its demeanor and the jury found for the complainant.

The first white child born in Montana was Jefferson Henry Pelky, whose birthday was February 13, 1862, at Grass Valley below Hell Gate. The first wedding in Montana was at Hell Gate March 5, 1862, when George P. White became the husband of Mrs. Josephine Meininger.

Road Building

In 1857 Congress began to appropriate money for a wagon road along the Stevens survey from Fort Benton to the Dalles to shorten the distance necessary for overland travel to Oregon. A military wagon road was begun in 1858 by Captain John Mullan along the general route of the survey which he had made in 1854. The first work was done from Fort Benton to the Snake River. In 1860, the road was ready to be used and the entire six hundred twenty-four miles were entirely completed in 1862, at a cost of $230,000.

Through the one hundred fifty miles of difficult timber cutting the road was made twenty-five feet broad; and where thirty miles of excavation was necessary it was cut from fifteen to twenty feet wide. The remainder of the road was either through an open timbered country or over open rolling prairie.

The road began on the Columbia River at old Fort Walla Walla and ran east to Walla Walla City, where the elevation was nine hundred fifteen feet above sea level. Here the road turned abruptly north and ran over a rolling prairie land for about two hundred miles bearing slightly eastward to a point about thirty miles due west of Lake Coeur d' Alene, where the road branched to run both north and south of the lake.

The roads met in the mountains about thirty miles east of the lake at the Coeur d' Alene Mission at an elevation of two hundred eighty feet. This part of the road ran through a densely timbered region. Running east from the Mission, the road followed the valley of the Saint Regis Borgia after it had crossed the divide at Sohon's Pass, elevation 5,006 feet. It then ran southeast up the Bitter Root Valley to Missoula, where the elevation was 3,318 feet; continuing up the Missoula Valley, it met the Little Blackfoot and traced that valley northeastwardly through Mullan's Pass in the Rocky Mountains near the present site of the little village of Austin. The elevation at Mullan's Pass is 5,980 feet.

From Mullan's Pass the route descended into the Little Prickly Pear Valley, turned north through the Wolf Creek Canyon and utilized the Bird Tail Pass to reach the Blackfoot agency on Sun River. After crossing the Sun River the road ran northeastwardly over level or rolling prairie to Fort Benton, its eastern terminus, which had an elevation of 2,814 feet. From Lake Coeur d' Alene to Mullan's Pass the road ran through difficult mountain valleys, but the rest of the journey was comparatively easy.

Captain Mullan advised prospective travelers to allow fifty-five days for making the journey with loaded wagons or thirty-five days if traveling with pack animals. He advised the purchase of a light spring covered wagon at Saint Louis and four sets of strong harness. The animals might be purchased at Fort Benton where mules could be had from $100 to $150 and horses for half that price. A yoke of oxen might be obtained at Fort Benton in 1863 for from $100 to $125. "Let them provide themselves, (said Mullan), with a small kit of good strong tin or plated iron mess furniture, kettles to fit one in the other, tin plates and cups and strong knives and forks * * * brown sugar, coffee or tea, bacon, flour, salt, beans, sardines and a few jars of pickles and preserved fruits." An allowance of four hundred pounds to the animal was a sufficient load for a wagon.

Mullan believed in being kind to his mules. He advised starting at dawn and camping not later than two in the afternoon. The animals should not go out of a walk or a slow trot; and after being unloaded in camp should be always allowed to stand with their saddles on and girths loose for fifteen minutes to avoid the sudden exposure of their warm backs to the air. They should be regularly watered morning, noon and night. "Never maltreat them, but govern them as you would a woman with kindness, affection and caresses and you will be repaid by their easy management."

The Stevens survey of 1853 and the later work of Mullan made Fort Benton an important commercial center, and we must look at its early history. As early as 1832, a steamboat had arrived at Fort Union at the mouth of the Yellowstone, and this point was for many years the center of the Indian trade and the head of navigation for the larger boats. About 1843, a new post, named Fort Lewis was built by Major Culbertson at a point about five miles below Pablo's island, at the head of the first rapids above the place where Fort Benton was later located, and on the south side of the river.

The Blackfeet found this location an inconvenient one for the floating ice in fall and spring made the crossing of the river dangerous. They requested a change of location to some point near enough to the Teton River to permit them to camp in its wooded valley, a favorite resort. Accordingly, in the spring of 1846, Major Culbertson spent some time in the selection of a better location and finally decided to move across the Missouri a few miles further downstream. About the first of April he began to move the stockade and building timbers to the new site, floating them down the river and erecting them as rapidly as they arrived In a few weeks, this work had sufficiently progressed to the point where the new buildings could protect the trade goods, supplies, and furs, which were moved down about May 1.

Four years later Culbertson decided to replace one of the log buildings with an adobe structure. The soil was found to be well adapted to this purpose, and a two-story dwelling was completed by Christmas.

"On Christmas night it was dedicated by a big ball; and until a late hour the light-hearted voyageurs and their squaw wives, sweethearts, and friends, danced and whirled to the music of several fiddles. In the midst of the festivities Major Culbertson proposed that in consideration of the warm friendship of Thomas H. Benton, for the partners of the American Fur Company, and his services in saving the Company from ruin in 1844 by effecting a compromise of the suit brought against it, that the post should be renamed in his honor."[3] (Bradley's Journal).

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[3] The suit to which reference is here made was brought by the United States government against the Company owing to its violation of the law forbidding the distribution of liquor to the Indians. For several years both British and American companies had been using intoxicating liquor as trade goods and no trader felt that he could dispense with its use and continue to do business with the savages. Strife over this matter had lasted for several years. Thirty barrels of whiskey had been seized as early as 1833 on board the steamer Yellowstone at Fort Leavenworth. In this same year a complete distillery was shipped to Fort Union for the purpose of supplying whiskey for the Company's trade. When Captain Nathaniel Wyeth was returning from Oregon by way of Fort Union in the fall of 1833, he saw this distillery in operation and upon his arrival in the east, reported it to the federal officials. Orders were at once issued by the company to dismantle the distillery and return it to Saint Louis by the next steamer which was done. But this little unpleasantness did not interfere with the liquor traffic. In 1840, it was whispered that a United States inspector would soon visit the American Fur Company's posts, whereupon orders were immediately issued to the posts to destroy all the liquor on hand. At Fort Union there were thirty barrels of alcohol, so large a quantity that Major Culbertson could not reconcile himself to the orders for its destruction. Accordingly he carried it across the river to a lake about four miles away where he intended sinking it under the water, but when the attempt was made it was found that the barrels would float to the surface in spite of all the weight that could be attached to them. Since it was impossible to sink them in the lake they

A very important event occurred here at Fort Benton in 1856. A mountaineer named John Silverthorne, who said he had found gold while prospecting to the southwest of the Fort, offered a quantity of gold dust in trade. He demanded a thousand dollars worth of goods, according to Lieutenant Bradley's *Journal,* in exchange for it, but, since no gold had ever before been reported in the region, Major Culbertson was hesitant to accept it, doubting its identification as gold. With no assaying apparatus, there was no way to determine its value, if true gold. On the advice of a relative Culbertson decided to accept the gold as a private venture, and charged the goods exchanged for it to his private account. Silverthorne received several horses, blankets, arms, tobacco, and provisions and returned to his mountains. The next year Major Culbertson received $1,525 for the dust, it having been found to be nearly pure gold.

The Bradley account of this affair, which has been followed in the above narrative, differs materialy from one sponsored by W. F. Wheeler, a former librarian of the Montana Historical Society. Mr. Wheeler interviewed Silverthorne, who told him that he, Silverthorne, while in the service of Major John Owen, had camped with Francois Finlay, known also as Benetsee, an old acquaintance. Finlay wanted some supplies and traded in about ten dollars worth of gold dust. Silverthorne took the gold dust to Culbertson at Fort Benton and received for it twelve dollars worth of goods. Culbertson got fifteen dollars for the gold dust in Saint Louis.[4]

The first steamer, the *Chippewa,* owned by the American Fur Company, arrived at Fort Benton in 1859. Two steamers arrived the following year. In 1861, the *Chippewa* was burned while coming upstream. Her hold contained several barrels of whiskey and a deck hand, feeling thirsty, took a lighted candle and gimlet into the hold to satisfy his cravings by stealing a drink. The fumes of the alcohol ignited and the entire boat and cargo was lost. There were twenty-five kegs of powder aboard and when this exploded it threw wreckage a distance of three miles. In 1862, the year that gold was discovered at Bannack, thereby beginning the era of Fort Benton's prosperity, four boats landed cargoes here. Only two came next year; then four from Saint Louis in 1864. Commerce increased steadily, mounting to thirty-nine arrivals in 1867 and then slowly diminishing as the fur trade disappeared and new routes of supply from the south were opened for the mining camps. In 1888 the last freight boat arrived at Fort Benton,—for five years the Northern Pacific had been hauling freight more cheaply and more rapidly.

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were carefully buried in the ground. After some months had passed and no inspector appeared, "Major Culbertson congratulating himself on his sagacity in saving his liquor, repaired to the cache to exhume it: When it was found that the iron hoops had rusted and burst and nearly every drop had disappeared." Due to the influence of Senator Benton, the suit was compromised by the payment of a fine of $12,000.

[4] Verbatim accounts of these divergent tales may be found in Sanders' Montana, 166-171.

An Indian Agent Arrives at Fort Owen, (1858)

At the Dalles there assembled in the month of May, 1858, among other "outfits" preparing to march into the mountain wilderness, the little cortege of Major John Owen, one of the earliest of Montana pioneers, who had shortly before been appointed United States Indian Agent for the Flatheads, Upper and Lower Pend d'Oreille, and Kootenai tribes. At Fort Colville, on the Spokane River, a tributary of the upper Columbia, they were joined by Mr. and Mrs. Thomas Harris, and Mr. and Mrs. Henry M. Chase, with their two children. After several brushes with unfriendly Indians they arrived at the site of the old Kalispell mission on the Clark's Fork (or Missoula) River and were safe from the hostile redskins. From that camp they went up the valley to the Flathead River and took the trail to Saint Ignatius Mission.

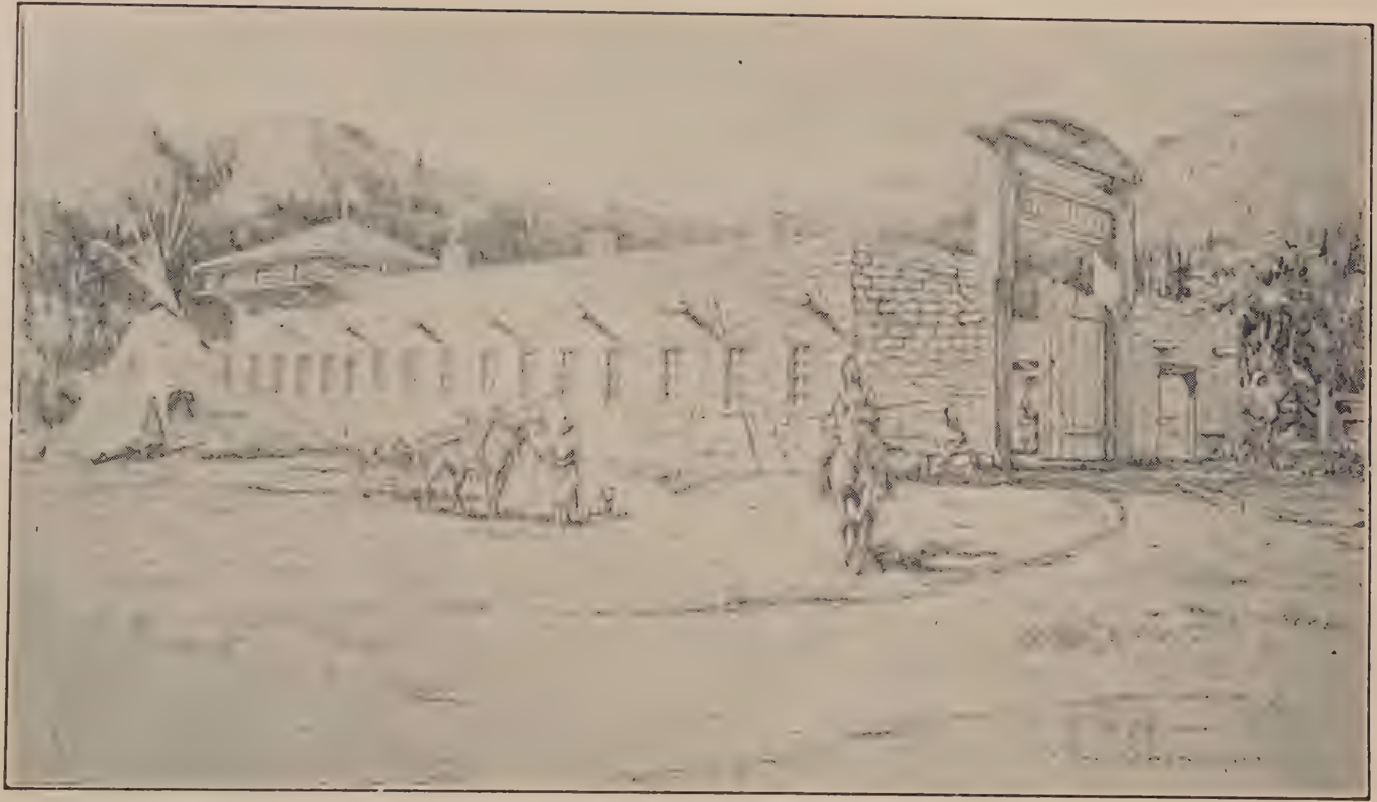
There they enjoyed the hospitality of the Jesuits, of whom Charles W. Frush, who was in charge of the pack train, wrote very appreciatively. From this Mission the party went south to Fort Owen, about seventy-five miles distant. Twenty-seven years later Frush wrote:

"(The names of some of the pioneers of this section and where they were located. I will give as near as I can remember.) There were camped in the immediate vicinity of Fort Owen the following: Fred Burr, Thomas Adams, 'Reece' (Rezin) Anderson, Captain Richard Grant and family, David Petty and John Powell; those living at Fort Owen were Major John Owen, Thomas Harris and wife, Caleb E. Irvine and family, Henry M. Chase and family, John Silverthorne and the writer. Old hunters who had located farms and settled in the Bitter Root valley were Mr. Lumphrey, Al. Talman, a Frenchman called 'Johnny Crappeaux,' and an old Mexican named Emanuel, and there was one settler in the Hell Gate Ronde named Brooks. In the fall of 1858 a couple of Frenchmen from Colville valley whose names were Louis Brown and 'Crooked-hand' Shaw camped in the Jocko valley, and shortly afterwards moved over to what is now known as Frenchtown, in Missoula County."

The Fisk Immigration Party of 1862

The first large increase in Montana population came in an immigration party from Minnesota. The wild fever of speculation which passed over Minnesota in 1855 and 1856 was followed by a reaction in the next two years, which ruined the business. In addition to numerous commercial failures, all the northern portion of the State was visited in 1857 by swarms of grasshoppers. As if these two afflictions were not enough, floods in the Mississippi broke the timber booms and millions of feet of logs went down the river.

Under all these handicaps, business was forced to a standstill. Some of those whose enterprises had been wrecked, and those who could not find profitable employment went, in 1860, to Colorado. When the Civil War broke out in 1861, some went into the army, but the majority being pro-slavery democrats remained at home.



OLD FORT OWEN NEAR STEVENSVILLE

In the spring of 1862, the news of the discovery of gold mines in the Salmon River region of what was then Washington territory, led to the organization of a party bound for these gold fields. James L. Fisk, then a private in a Minnesota regiment, received a captain's commission and the command of an emigrant escort from Fort Abercrombie, on the Red River of the north, to Fort Benton; their ultimate destination being the Salmon mines.

It was late in the season before this party was organized, and little time was given for preparation. Some of the party from Little Falls and the vicinity started with but one or two days' notice, and several stragglers were forced to overtake the train on the plains. The expedition left Fort Abercrombie in July. While there were some good men in the party, it contained probably as many broken reckless men as ever journeyed across the great plains together, remarked their leader, James Fisk. There were several men who took their families. The trip was pleasant and nothing unusual occurred other than one wedding and one birth.

At Fort Union, near the mouth of the Yellowstone, the party was joined by Robert Meldrum of the American Fur Company and near the mouth of Milk River by large bands of Gros Ventres and Crow Indians.

On their arrival at Fort Benton they received the discouraging news that the Salmon River mines were overcrowded with prospectors; and the more encouraging information that gold had been found in several places farther to the east, namely at Gold Creek and at Bannack, as well as on the Prickly Pear.

A party went ahead to Prickly Pear Creek to make inquiries and on their return a consultation was held near what was then called the Three Mile House, three miles south from Silver City. Most of the immigrants decided on this information to go into the Prickly Pear Creek Valley, where they at once busied themselves with building houses for the winter. A few of the party made their way down to Bannack and a few went on to Washington and Oregon territories.

After a few weeks' stay in the Prickly Pear Valley, N. P. Langford and a companion were commissioned to go to Bannack, whither some of their party who came across the plains with them had already gone, and to report the condition of the mines in that camp. Langford's report to his companions on the Prickly Pear, resulted in nearly the entire Minnesota party moving to Bannack.

We must leave the discussion of their further enterprises at Bannack to the chapter on the Early Gold Mining.

The Trail into Montana

Many years before white men were interested in finding a route across the plains, the Indians of the Platte Valley had been accustomed to follow a path made by buffalo, deer, and antelope along that stream. From the settlements in the state of Missouri, to the South Pass in the Rocky Mountains, a natural path formed of the valleys of the Platte and the Sweetwater, indicated a route for the early migrants to Oregon.

A description of this journey was given to the Oregon Pioneer Association in 1876, by the Captain of one of the migrant trains, Jesse Applegate. On June 1, 1843, the company of which Mr. Applegate was a part crossed the Kansas River. The company was divided into two parts. Each division had sixty wagons, but one being composed mainly of those persons who had few or no loose cattle, was called the "light column," while the other being encumbered with herds was given the name of the "cow column."

The leader of the second division or "Cow Column" was Capt. Jesse Applegate, a man whom the people of Oregon delight to honor as one of the noblest of the pioneers. He is remembered as a statesman, a surveyor, a pathfinder through the southern mountains, and in general a leader in all the varied activities of frontier life in the Northwest. But, fortunately, he was also a writer of elegant English prose; and one of the most delightful productions of his pen is an account which he wrote in 1876 of a typical day on this long march "with the cow-column." Since this essay gives us so lifelike a picture of the great emigration in motion toward the west, and since it describes the camping methods in use for many years among trapping parties and traders, as well as emigrants to Oregon and California, we cannot do better than to transcribe a portion of it.

"It is four o'clock A. M.; the sentinels on duty have discharged their rifle—the signal that the hours of sleep are over—and every wagon and tent is pouring forth its night tenants, and slow kindling smokes begin largely to rise and float away in the morning air. Sixty men start from the corral, spreading as they make through the vast herd of cattle and horses that makes a semicircle around the encampment, the most distant perhaps two miles away.

"The herders pass the extreme verge and carefully examine for trails beyond, to see that none of the animals have strayed or been stolen during the night. This morning no trails lead beyond the outside animals in sight, and by five o'clock the herders begin to contract the great moving circle, and the well-trained animals move slowly towards camp, clipping here and there a thistle or a tempting bunch of grass on the way. In about an hour five thousand animals are close up to the encampment, and the teamsters are busy selecting their teams and driving them inside the corral to be yoked. The corral is a circle one hundred yards deep, formed with wagons connected strongly with each other; the wagon in the rear being connected with the wagon in front by its tongue and ox chains. It is a strong barrier that the most vicious ox cannot break, and in case of attack from the Sioux would be no contemptible intrenchment.

"From six to seven o'clock is a busy time; breakfast is to be eaten, the tents struck, the wagons loaded and the teams yoked and brought up in readiness to be attached to their respective wagons. All know when, at seven o'clock, the signal to march sounds, that those not ready to take their places in the line of march must fall into the dusty rear for the day. There are sixty wagons. They have been divided into fifteen divisions or platoons of four wagons each, and each platoon is entitled to lead in its turn. The leading platoon to-day will be the rear one to-morrow, and will bring up the rear unless some teamster through indolence or negligence has lost his place in the line, and is condemned to that uncomfortable post. It is within ten minutes of seven; the corral but now a strong barricade is everywhere broken, the teams being attached to the wagons. The women and children have taken their places in them. The pilot (a borderer who has passed his life on the verge of civilization and has been chosen to his post of leader from his knowledge of the savage and his experience in travel through roadless wastes) stands ready, in the midst of his pioneers and aids, to mount and lead the way. Ten or fifteen young men, not to-day on duty, form another cluster. They are ready to start on a buffalo hunt, are well mounted and well armed, as they need to be, for the unfriendly Sioux have driven the buffalo out of the Platte, and the hunters must ride fifteen or twenty miles to find them. The cow drivers are hastening, as they get ready, to the rear of their charge, to collect and prepare them for the day's march.

"It is on the stroke of seven; the rush to and fro, the cracking of whips, the loud command to oxen, and what seemed to be the inextricable confusion of the last ten minutes has ceased. Fortunately every one has been found and every teamster is at his post. The clear notes of a trumpet sound in the front; the pilot and his guards mount their horses; the leading divisions of the wagons move out of the encampment, and take up the line of march; the rest fall into their places with the precision of clockwork, until the spot so lately full of life sinks back into that solitude that seems to reign over the broad plain and rushing river as the caravan draws its lazy length towards the distant El Dorado.

"The pilot, by measuring the ground and timing the speed of the horses, has determined the rate of each, so as to enable him to select the nooning place as nearly as the requisite grass and water can be had at the end of five hours' travel of the wagons. To-day, the ground being favorable, little time has been lost in preparing the road, so that he and his pioneers are at the nooning place an hour in advance of the wagons, which time is spent in preparing convenient watering places for the animals, and digging little wells near the bank of the Platte. As the teams are not unyoked, but simply turned loose from the wagons, a corral is not formed at noon, but the wagons are drawn up in columns, four abreast, the leading wagon of each platoon on the left, the platoons being formed with that in view. This brings friends together at noon as well as at night.

"To-day an extra session of the council is being held, to settle a dispute that does not admit of delay, between a proprietor and a young man who has undertaken to do a man's service on the journey for bed and board. Many such cases exist, and much interest is taken in the manner in which this high court, from which there is no appeal, will define the rights of each party in such engagements. The council was a high court in the most exalted sense. It was a senate composed of the ablest and most respected fathers of the emigration. It exercised both legislative and judicial powers, and its laws and decisions proved equal, and worthy of the high trust reposed in it. * * *

"It is now one o'clock; the bugle has sounded and the caravan has resumed its westward journey. It is in the same order, but the evening is far less animated than the morning march. A drowsiness has fallen apparently on man and beast; teamsters drop asleep on their perches, and even when walking by their teams; and the words of command are now addressed to the slowly creeping oxen in the soft tenor of women or the piping treble of children, while the snores of the teamsters make a droning accompaniment. * * *

"The sun is now getting low in the west, and at length the painstaking pilot is standing ready to conduct the train in the circle which he has previously measured and marked out, which is to form the invariable fortification for the night. The leading wagons follow him so nearly around the circle that but a wagon length separates them. Each wagon follows in its track, the rear closing on the front, until its tongue and ox chains will perfectly reach from one to the other; and so accurate (is) the measure and perfect the practice, that the hindmost wagon of the train always precisely closes the gateway. As each wagon is brought into position it is dropped from its team (the teams being inside the circle), the team is unyoked, and the yoke and chains are used to connect the wagon strongly with that in its front. Within ten minutes from the time the leading wagon halted, the barricade is formed, the teams unyoked and driven out to pasture. Every one is busy preparing fires * * * to cook the evening meal, pitching tents and otherwise preparing for the night. * * * The watches begin at eight o'clock P. M. and end at four o'clock A. M."[5]

In 1842, there were four buildings between Independence, Missouri, and Vancouver, Washington, namely, the fur trading posts of Fort Laramie, Fort Bridger, Fort Hall and Fort Boise. In the year 1846, Fort Kearney was established as the first garrison of this trail, three hundred ten miles from Fort Leavenworth, which had originally been built to protect the Santa Fe traffic. The old adobe trading post known as Fort Laramie lay three hundred forty miles up the valley from Fort Kearney. The distance through the mountains from Fort Laramie to Fort Kearney was about six hundred miles, a journey which could be broken by a stay at Fort Bridger, on the black fork of the Green River. From Fort Hall to Vancouver across the Oregon country was a distance of about nine hundred miles. Fort Kearney did not become government property until about 1849, the same year in which Fort Laramie was purchased.

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[5] This story of Mr. Applegate was originally published in the proceedings of the Oregon Pioneer Association. It was reprinted in the *Quarterly of the Oregon Historical Society*, December 1900 and quoted in Joseph Schafer's *History of the Pacific Northwest.* (MacMillan 1918.)

The Route From Denver

Another road ran out of the Missouri settlements by way of the south Platte to Denver, Colorado, a little mining town established in 1858. Since a number of the Colorado miners were attracted into Montana by news of the gold finds of 1862, a well defined trail ran north intersecting the Oregon trail, near Fort Hall, and furnishing a rough and rugged route into Montana, crossing the overland trail near Fort Hall. The route from Denver north had stage stations at La Port, Cherokee, Virginia Dale (Colorado), Rock Creek, Medicine Bow, Fort Halleck (also called Elk Mountain), across the North Platte, Sage Creek, Bridger Pass (thirty-five miles west of the North Platte), and Sulphur Springs. The road now on the west side of the Continental Divide, went to the Bitter Creek region across Green River to Fort Bridger (Wyoming), Echo Canyon, Weber and Salt Lake City (Utah). Leaving Salt Lake City the journey was directly north and west toward the Snake River, across Bear River, through its valleys (Utah) to Malade City, Robbers Retreat (in Porneuf Canyon), Desert Wells, to a point just east of old Fort Hall; along the Snake River to Eagle Rock, where the road crossed the Snake, Pleasant Valley (Idaho), Black Tail Deer (fifty miles from Virginia City), Beaver Head and Virginia City, Montana. From Virginia City, branches of the stage road went west to Bannack, northwest to Deer Lodge, north to Helena, northeast to Gallatin. This long roundabout road offered, through Colorado and Wyoming, the same difficulties from the Indians, and the dangerous travel, as experienced over the North Platte and Sweetwater.[6]

The Bozeman Trail

The desirability of a cut off between the Platte Valley and the Yellowstone Valley began to be apparent as soon as the mining camps of Montana were put into operation. Unfortunately a great difficulty lay in the way of a survey and use of such a route. Such a route would run through the choicest hunting grounds of the Crow Indians lands, which had been most solemnly guaranteed by the Federal Government to be kept free from trespass.

In the fall of 1860 and the spring of 1861 James and Granville Stuart found gold in the Missoula Valley. They wrote a glowing account of rich finds, to their brother Thomas, who was then mining in Colorado, urging him to come and join them. Thomas Stuart passed the good news around and easily persuaded a party of twelve young men to leave the party in 1862 with the intention of getting rich in the new fields.

Among these young men was the sturdy and adventurous John M. Bozeman, whose desire for adventure had brought him from his home in Coweta County, Georgia, where he had left his wife and two children. Bozeman at this time was aged about twenty-seven years.

Shortly after settling in Montana Bozeman became interested in finding a road which would materially shorten the distance between the Montana camps and the States. The crude maps of the times very clearly indicated the possibility of reducing the distance by as much as four hundred miles.

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[6] This route description is furnished by Hebard and Brinistool's *Bozeman Trail*, Clark, 1922, two volumes.

With this purpose in view, Bozeman and a companion, John M. Jacobs, left Bannack in the following winter, headed east to find the new route. Skirting along the south side of the Yellowstone, after they had crossed the low pass pointed out by Sacagawea a half century before between the Gallatin and the Yellowstone valleys, the two young men found they were being followed by Indians. The redskins finally overtook Bozeman and his partner on the Powder River, stole their horses, amunition, and guns, but turned the men loose, believing that no white man would live very long in this dangerous country, unmounted and unarmed. They wandered for days bare-footed, existing on a diet of grasshoppers, but undaunted in spirit.

STREET IN THE BANNACK OF TODAY

In the spring of 1863, at the Missouri River, possibly near Independence, Bozeman took command of a wagon train of freighters and immigrants who desired to go to Montana. Bozeman decided to attempt the route which he had wandered over the preceding winter east of the Big Horn Mountains. They made their way to Fort Laramie along the Oregon trail and then turned northwest, but when about one hundred miles from the Fort, the Indians blocked their passage and drove the train back to the Sweetwater River. From this point under the leadership of James Bridger, the party passed west of the Big Horn Mountains, made their way into the Yellowstone Valley, and, using the low pass which has since been called after Bozeman, but might more properly have been named after Sacagawea, finally arrived safely at Bannack.

Bozeman, it will be noted, left this train near the junction of the Sweetwater and the North Plate with nine companions, deciding to defy fate by pushing northward into the Powder River

Valley, a roadless distance of seven hundred miles through a country filled with most hostile Indians. At this time nearly all the western Indians were on the war path against the whites, having been informed of the Civil war then raging in the east and being aware of the weakened condition of the Federal authority by the necessary withdrawal of troops from the Indian country.

Journeying by night to escape the keen eyes of the Sioux and enduring untold hardships, the party finally reached Sacagawea Pass. It was at this time that George W. Irvin, a member of the party, named the pass after Bozeman. In July 1864, Bozeman brought west a large emigrant train which, according to the journal of George Brundage, consisted of one hundred fifty wagons, three hundred sixty-nine men, thirty-six women, fifty-six children, six hundred thirty-nine oxen, one hundred ninety-four cows, seventy-nine horses and twelve mules. Such a large caravan very naturally attracted the attention of the Indians, who resolved to put a stop to the passage of such caravans through their hunting ground.[7] But before examining the history of the resistance of the Indians, we must follow the fortunes of the gold seekers.

Of the value of this route to Montana, McClure wrote in 1867: "It is the natural route to Montana, and the only practicable route overland. By it Montana is reached without crossing the Rocky range; the overland routes south of the mountains must be crossed twice. It traverses the eastern base of the mountains, has fine streams and pasturage, and is the only route that has these priceless advantages."

After the abandonment in 1868, there was no travel over the Bozeman Trail until the Crook expedition of 1876. During that time Montana was supplied by the three routes, one from Walla Walla, one from Utah, by the road meandering along the 112th meridian, and, lastly, the water route from Saint Louis up the Missouri to Fort Benton.

A Retrospect of the Period

In a former chapter, we saw that Montana's first white men were fur traders. The reports of the fur-traders aroused the interest of churchmen, and were thus responsible for the coming of the missionaries. Prior to the Civil war, a few white men, some with families and some without, came into Montana and made permanent homes. These men supported themselves both with agriculture and with Indian-trading. Outside the establishment of the missions, the most important action of this era was the survey for a railroad route made under Colonel Stevens' direction. The attempt to fortify the Bozeman trail and its disastrous ending is another phase of this history which we must not forget.

For Further Reading

Stone, Arthur L., *Following Old Trails*, published by M. J. Elrod, Press Missoulian Missoula, 1913.

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[7] About three years after this, in April 1867, Bozeman met his death at the hands of Indians. Some Piegans, who having killed a chief of their own tribe, were living among the Crows, slaughtered him. Bozeman's body lies in the cemetery of the town which bears his name.

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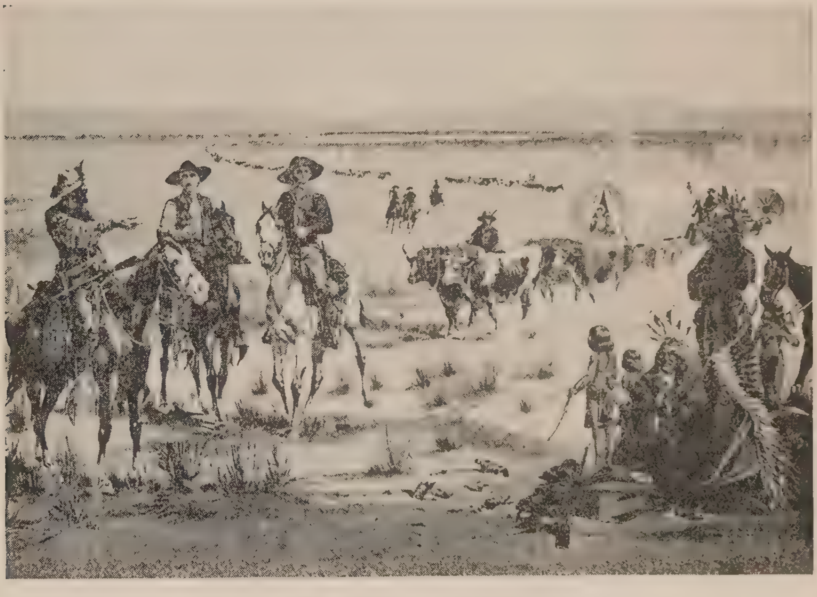
CHAPTER VII

THE DISCOVERY OF GOLD

The knowledge of the existence of gold in the Rocky Mountains dates back as far as 1739, when Verendrye reported its presence to the French government. The journals of the Lewis and Clark expedition also record the fact that they were aware of the existence of gold here, but statements concerning the finding of gold in 1862 were the ones responsible for the developing of gold mining. Capt. John Mullan's *Report on the Construction of a Military Road From Fort Walla Walla to Fort Benton,* printed by the Federal Government in 1863, gave a wide publicity to the fact of gold having been found in the Rocky Mountains and described a way of getting to the gold fields. Two years later, William M. Franklin issued a private reprint of some of the material contained in Mullan's official report with a considerable addition of other information pertaining to mining under the title *Miners' and Travelers' Guide to Oregon, Washington, Idaho, Montana, Wyoming, and Colorado, via the Missouri and Columbia Rivers, Accompanied by a General Map of the Mineral Region of the Northern Section of the Rocky Mountains.* After these publications were presented to the public the story of Montana's gold fields was well known.



"ON TO THE GOLD FIELDS"

The First Tokens of Gold

Gold prospectors have never been noted for their literary proclivities; the story of their finds has usually come into history through the writings of men other than the original actors. Thus any statement as to the first finding of gold in Montana must be accompanied by an interrogation point, for no reliable statement was handed down by competent witnesses. As has been stated in a preceding chapter, gold was offered in trade at Fort Benton in 1856. Although historians have varied in their statement as to the amount of this gold, the facts concerning its production are not in question. It appears that, about 1852, a half-breed named Francois Finlay, known to his associates by the name Benetsee, who had just returned from California to the Rocky Mountains, began to prospect on what is now known as Gold Creek in Deer Lodge County. This Benetsee, being in need of supplies, traded some gold which he had found to John Silverthorne, an employee of Maj. John Owen. Silverthorne took this gold dust to Alexander Culbertson at Fort Benton and there exchanged it for merchandise.

The fact of gold having been found at Gold Creek in the Missoula Valley soon circulated among the mountaineers, and in the spring of 1856 a party consisting of Robert Hereford, John Saunders, William Madison and one or two others, who were passing Gold Creek on their way to Salt Lake from the Bitter Root, where they had spent the winter trading with the Selish and prospecting for gold, found more gold than had been discovered by Benetsee. One piece they gave to Capt. Richard Grant, who was accustomed to exhibit it up to the time of his death in 1862, as the first piece of gold found in the country. Evidently the knowledge of Benetsee's production had a very small circulation.

In the spring of 1858 a party consisting of Thomas Adams, Reece Anderson, E. H. Burr, John H. Powell and James and Granville Stuart searched for gold in this camp and found as high as 10 cents worth of gold to the pan. This party could not remain long owing to the fact that they had no provisions except what game they could kill, and this had to be eaten without salt; nor did they have any tools. Moreover, the Blackfeet stole four of their horses and so annoyed them that they decided it was better to abandon the country. They returned in the fall of 1860 to carry on further prospecting, firm in the faith that the Missoula Valley was a rich gold country.

The Stuart brothers, to whom reference has been made in the preceding paragraph, became very famous pioneers of Montana, so that their career prior to this time deserves some notice. James Stuart was born in Harrison County, Virginia, March 14, 1832. His parents removed to Illinois, and later to Iowa, where James spent his boyhood among the scenes and incidents usual to a pioneer family in the Indian country. His father went to California in the spring of 1849 and returned home two years later by way of Nicaragua and New York City. In the summer of 1852 he made a second trip to California overland accompanied by his sons, James and Granville. The father returned to the Iowa home in June, 1853, leaving James and Granville at the California mines.

The two brothers served in the California Volunteers during the Modoc Indian war of 1855 and narrowly escaped being killed on the Klamath River. After some prospecting at the head of the Sacramento River they determined in the spring of 1857 to visit the States. They left Yreka, California, on June 14, in company with Reece Anderson and eight others. The trip, so far as Malad Creek, on the Hudspeth Cut-off (about thirty miles north of what is now Malad City, on the stage-road to Corinne), was devoid of incident, except a severe storm of rain and snow, on July 4, at Stony Point, on the Humboldt River, in which the party suffered greatly, being compelled to camp on the open plain, on account of the known hostility of the Tosa Weeh or Digger Snake Indians of that vicinity, who had murdered many emigrants there in former years.

The party reached the head of Malad Creek on July 18, and here Granville was taken sick with mountain fever. After waiting about ten days, the rest of the party went on, leaving James and Granville, and Reece Anderson, at the camp of Jacob Meeks, a mountaineer trader, who had located for the summer at that point.

In the meantime, war between the Mormon State of Deseret and the United States threatened so that the Mormons were patrolling the trails leading to the States and to California. The Mormon troops had orders to arrest and deliver in Salt Lake City all Gentiles travelling these routes so that no information might leak out, for the Federal Gen. A. S. Johnston was known to be approaching the Mormon capital with a body of troops. For this reason, the Stuarts, believing discretion to be the better part of valor, decided to go with some mountaineers into the Deer Lodge Valley, where they hoped to trade with the Indians and emigrants.

They spent the winter of 1857-58 in Beaver Head Valley and on the Big Hole River. Here were encamped a company of people whose names deserve mention since they constituted the first settlement, even though it was a temporary one, in Montana. Granville Stuart named them as follows: Jacob Meeks, Robert Dempsey and family, Jackson Antoine Le Claire and family, Oliver and Michael Le Claire. Within a twenty-five-mile radius were also to be found the winter camps of Richard Grant, Sr., and family, John F. Grant and family, James C. Grant, Thomas Tambrun and family, L. R. Maillet, John M. Jacobs and family, Robert Hereford, John Morgan, John W. Powell, John Saunders, Antoine Pourrier, Antoine Courtoi and family, a man named Ross, a Delaware Indian named Jim Simonds, and several men in the employ of Hereford and the Grants whose names were not remembered by Mr. Stuart. Among these settlers the gold seeking party was formed which went with the Stuarts into the Missoula Valley the following summer. All but Capt. Richard Grant were housed in elk skin lodges which were warm and comfortable during the entire winter.

Several of these persons had small lots of goods and trinkets with which they intended to buy horses, furs, and skins from the

Indians. "The price of a common horse in those days was two blankets, one shirt, one pair leggings, one knife, one paper of vermilion, and usually a few other trifles." A dressed deer skin could be purchased for from fifteen to twenty balls and powder. An elk hide brought twenty to twenty-five balls and powder. A pelt of beaver was worth as much as an elk hide. An antelope skin was worth only a quarter as much, and good moccasins were to be obtained for ten balls.

While the trading of liquor to the Indians was strictly forbidden by the Federal law, the law was practically unenforceable owing not only to the scarcity of soldiers to enforce it, but also because the Dred Scott decision recently handed down by the Supreme Court had questioned the right of the Federal Congress to legislate for territory acquired since the adoption of the Constitution. Granville Stuart remarked of the few Snakes, Bannacks, and Flatheads scattered about the vicinity that "they did not seem to crave liquor as most Indians do but were quiet and unobtrusive and respectable as Indians ever get to be. But the whites and half-breeds drank enough while it lasted, which fortunately was not long, for themselves and all the Indians in the country. * * * At times it seemed as though blood must be shed, but that Providence that seems to watch over the lives of drunken men stood by them and the end of the liquor was reached before anybody was killed."

The time during the winter was passed in visiting among the camps and in hunting. On the 28th of March the Stuarts, Anderson and Ross attempted to cross the divide but were turned back by heavy snowstorms. The snow being about six feet deep, the labor of breaking the trail was so severe that their horses all became exhausted. "While encamped in Sheep Horn Canyon," wrote Granville Stuart, "endeavoring to kill meat enough to do them over the divide, it became apparent that a resort must soon be had to horse flesh, and James Stuart and his companions resolved to return to Deer Lodge, where deer was abundant, and kill and dry enough meat to do them to Fort Bridger. They were also actuated by a desire to investigate the reported finding of float gold by a Red River half-breed, named Benctsee, in the lower end of Deer Lodge in 1852 and its subsequent discovery in 1856 by a party on their way to Salt Lake from the Bitter Root Valley."

In the summer of 1860 a prospector named Henry Thomas, a somewhat peculiar fellow known to his associates as "Gold Tom" and "Tom Gold Digger," came from Walla Walla by way of Lake Pend d' Oreille and began to prospect about a mile west of the site which was once known as Pioneer City on Gold Creek. Here he sank a shaft over thirty feet deep in the gravel of the creek bed, finding enough gold all the way down to encourage him in his efforts. He hewed out two or three rough, small, sluice boxes, and made from one to two dollars a day in rather coarse gold. This did not satisfy him and he moved over the divide into the gulches debouching into the Prickly Pear Valley. He later claimed to have prospected Last Chance, Grizzly, and Oro Fino gulches without any success several years before the Cowan party made its find in 1864.

The claims of Gold Tom to fame in Montana's history were ably presented by Horatio N. Maguire, an early journalist of the Territory, who, writing in 1869, said: "We think the least respect that could be shown the memory of the discoverer would be to christen the stream anew on which he made the discovery, and send it down to posterity as *Finlay,* instead of Gold Creek. But we must claim the brave and enterprising Henry Thomas, or "Tom Gold Digger" as the Sutter of Montana, and appeal to the pen of legitimate history, in the name of justice and truth, to secure him in that distinction. He had explored this country from the line of separation between Atlantic and Pacific waters to the site of our metropolis—no living companion but his horse and his dog, and his rifle pick and shovel his only dependence—danger always imminent and often nigh—when the American people, as a nation, were as ignorant of its vast and varied resources as if it had been shrouded in the clouds of perpetual and impenetrable barbarism. We cherish the hope that when the State Capitol is erected—which will be at no distant day—the stranger, upon entering the halls of Montana's assembled wisdom, may behold the lifesize figure of Henry Thomas, with appropriate surroundings, looking down upon the representatives of a populous, great and happy commonwealth, which shall have grown up where he found the solitudes of a wilderness unbroken by the voice of civilized man."

No doubt this panegyric was merited by the solitary old prospector but he was certainly far from contributing as much to Montana as John Sutter[1] had contributed to the development of California. Thomas has become almost a legendary figure. Maguire advertised for a photograph of him in 1868 which would indicate that by that time his whereabouts were unknown in Helena and Virginia City. So far as is now known no representation either by photograph, drawing, or statue was ever made of him. It is surprising to find that a man as well-informed as Maguire could not have known of the gold prospecting which had preceded the searchings of his hero.

In the fall of 1860 the Stuart brothers returned to Montana intending to winter in Beaver Head Valley, but, finding the Indians insolent and semi-hostile they moved over to Deer Lodge.

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[1] Johann August Sutter was a native of Baden who had taken American citizenship. In 1839 he arrived at Monterey, the capital of Alta California, from the Hawaiian Islands. He had gone along the Oregon Trail to Vancouver and from that station and taken a ship to the Sandwich Islands, as the Hawaiian were then called. Two years later, he received from Governor Alvarado a grant of land near the mouth of the Sacramento river which he proceeded to fortify. Here he trafficked with the Indians for beaver skins; he stocked his domain with sheep, cattle, and horses and became a Lord Palatine over the humble aborigines who attached themselves to him and occupied their time in weaving, basketry, and other work. During the winter of 1846-47 he sent provisions to the Donner party which was snow-bound in crossing the Sierra Nevada. When Fremont came into California he was much assisted by the hospitality of Sutter. Around Sutter's fort centered the mining activities of 1848-49.

Locating at the Mouth of Gold Creek, they resolved to prospect that region carefully. In the following spring they found encouraging prospects. Here they persisted in spite of the shortness of their supplies and the annoyance of horse stealing Indians.

Refusing to be daunted by these difficulties they employed two men to whip-saw lumber for sluices at ten cents a foot and sent to Walla Walla, over four hundred miles distant, for picks and shovels, that being the nearest place at which these tools could be procured. On May 8, they set the first string of sluices used in Montana and began to mine with pick and shovel. In 1861, they wrote their brother Thomas telling of their finds in Gold Creek. He showed the letter to several friends in Colorado, who started for the Deer Lodge Valley in the spring of 1862. A party of twelve arrived June 20 at Pioneer City, as their settlement was called, (the present Pioneer is on the Northern Pacific five miles south of Gold Creek and seven miles west of Garrison.) In the party was J. M. Bozeman, for whom the Pass and the town of Bozeman was named; also Samuel T. Hauser, later a Governor of the Territory. Other parties came in from Pike's Peak, Colorado and Utah. Some came up the Missouri from Saint Louis in the four boats which reached Fort Benton that year. The discovery of gold on Salmon River (in Idaho) drew many to that region.

In the meantime gold had been discovered in the Snake River Valley by a trader named Pierce. Although the Indian agents and military authorities frowned upon prospecting in this region, owing to the likelihood of the presence of white men causing difficulty with the Nez Perces, several thousand miners during the spring of 1861 rushed from California and Oregon up the Columbia to old Fort Walla Walla. By July 1861, there were said to be five thousand men in the vicinity of the Sweetwater and Snake River valleys.

The Salmon River is a stream paralleling the Clearwater, whose mouth debouches into the Snake about seventy miles upstream from Lewistown, that is to say, to the south of that settlement. Into this valley parties of prospectors penetrated in the fall of 1861, restlessly seeking the wealth of which they might have been more certain if their intense labor had been applied to agriculture or trade. Their search was successful and the fame of the Salmon River placers spread abroad.

The early winter of 1861-62 was not severe. Through the month of December many companies were prospecting and filling every conceivable kind of small vessel with the precious dust. On entering a miner's cabin one might see a gold-washing pan holding eight quarts of gold dust, the result of a few weeks washing. Or the precious grains might be stored in sardine cans, pickle bottles, or similar containers. The new camps were very well satisfied.

But December closed with the worst storm hitherto known in the Northwest, isolating from five to eight hundred men from the trade routes without adequate provisions. The snow was said to be from seven to ten feet deep and men were reduced to eating the inner bark of the pine and fir trees. Not until May was the blockade broken. Flour sold at Walla Walla on the third of March for $24 a pound, according to the Portland *Oregonian.*

In the late summer of 1862 a party went further up the valley of the Snake River and found gold in paying quantities seventy miles due east of old Fort Boise, an old Hudson's Bay Post, which was on the Oregon Trail on the Snake River near the mouth of the Boise River. The county of Boise was created January 12, 1863, including all the country south of the Payette River, between the Snake River and the Rocky Mountains. Charters were issued for road building, ferries, bridges and mining ditches and the country of eastern Washington began to get eager for a separate government. In response to this desire, Congress, by an act approved March 3, 1863, created the Territory of Idaho, to which President Lincoln appointed William H. Wallace as governor.

The First Government of Montana

The Legislature of Washington Territory had already provided for the establishment of two counties east of what later became the Idaho-Washington line. These were Shoshone and Missoula. The little mining camps lying in the Missoula River Valley were included in the county of Missoula. On July 14, 1862, elections were held and James Stuart was elected sheriff of this county. Missoula County has thus had the distinction of having existed under the general government of three territories, namely, Washington, until March 3, 1863; Idaho until May 26, 1864; and Montana until that territory became a state in 1889. The area of this county has several times in the course of its settlement been reduced, so that its present size is only a small fraction of its original area as fixed by the laws of Washington Territory.[2] Thus a legal government, basing its authority on the Constitution of the United States and Acts of Congress duly approved, as well as the subsequent territorial legislation based on the foregoing, has existed in Missoula County since the election of July 1862.

The Bannack Camp

In July or August of 1862, John White, John McGavin and others found placer gold one hundred miles south of Gold Creek on a tributary of the Beaver Head River to which Lewis and Clark had given the name of one of their companions, calling the little stream Willard Creek. White and his party, not knowing that the creek had already been named, called it Grasshopper Creek. The camp was called Bannack, after the tribe of Indians which frequented the region.

Reports of the rich placers found here attracted many who had come to Montana hearing of the earlier gold discoveries and had not found room for themselves in the older mining camp. By New Year's Day, Bannack had a population of five hundred.

On 17 September, 1863 there arrived at Bannack a distinguished company, being the Chief Justice of the newly created Territory of Idaho, Sidney Edgerton,[3] who had left Akron, Ohio, on the first day of June accompanied by his family, his nephew Wilbur Fisk Sanders and family, and two or three other gentlemen. They had outfitted themselves at Omaha, whence they had struck out along the Oregon Trail. Instead of continuing west to Fort Hall they had for some reason unknown to Montana historians turned north to Bannack City, there to find themselves at the end of the road and faced with the snows of winter. They were in Idaho Territory but they were many hundred miles from Lewiston, the Capital. Making the best of the situation they decided to make winter camp at Bannack. They were hospitably entertained; on Thanksgiving Day the party were the guests of Henry Plummer, dining on turkeys, which cost fifty dollars each, brought from Salt Lake City. The host was hanged 10 January, 1864, for murder and highway robbery.

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[2] Missoula County as outlined by the Idaho legislature of 1864 included the following counties (1928): Lincoln, Flathead, Sanders, Lake, Mineral, Missoula, Ravalli, and Granite.

Shortly after Edgerton's arrival at Bannack he came upon a miner's court in operation, this being the only form of justice then available, for the region had not yet been organized under the laws of Idaho. The judge, not knowing Edgerton's identity as Chief Justice of the Territory, invited him as a stranger to be seated with him and hear the case. Soon the trial was interrupted by the suggestion that it was time to serve the drinks. The judge, and all present, approving the suggestion, an old negro was sent to a nearby saloon for the whiskey. When the refreshment arrived, the court adjourned until the liquor was exhausted. Then the case proceeded until another recess about a half hour later for further refreshment.

Life in Bannack in the early days was vivid and virile. Preachers and women were extreme rarities. A Reverend George G. Smith who was in Bannack in June 1864 told of his experiences in the camp. "I created a storm of applause by unloading an umbrella. It never rained in that country in those days and 'Tenderfoot' and 'Pilgrim' were shouted in all directions; and above all, I had on a 'biled' shirt and everything to correspond. I was assigned to private apartments at the leading hotel, in the office with bar, gambling table, gamblers, highwaymen, et cetera.; every man clothed in buckskin and adorned with a pair of navy revolvers and bowie knife in the bootleg and Mexican spurs with dangles on the heel. My bed was the boardless floor of this public office, and bedclothing my blankets." At Virginia City he advertised a service. "They wanted to know what a preacher was, what his business, and what a Presbyterian preacher was. Some fellow explained that they were a religious sect and very high toned.

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[3] Sidney Edgerton was born at Cazenovia, New York 17 August 1818, his parents having come from Connecticut shortly before his birth. In 1844, he went to Akron, Ohio, where he studied law and taught school. He soon entered active politics as a Free-soiler and on their ticket became a County Prosecutor. In 1856 he sat as a member of the convention which formed the Republican party. On this ticket he was elected to Congress as representative of the eighteenth Ohio district, serving 1859 to 1863. After his brief sojourn in Montana he returned to his home at Akron, where he died, July 19, 1900.

Another said they were blue Presbyterians and he would bet the preacher had a blue stripe down his back. They proposed to catch him and see."

In the rush to the Salmon River gold fields the Easterners overlooked the difficulty of getting across the mountains between Fort Lemhi, an old Mormon settlement, and the Salmon River mines. Face to face with the impossibility of getting his wagons over a trail which could only be negotiated by a very sure-footed pack mule, one of these discomfited pioneers has left to posterity the following gem:

"If we ever get home again, whene'er we walk the street,
We'll pull our hats and make a bow to every jack ass we meet:
For though their ears are very long and ours are but a stub,
They never stray so far away but that they find their grub.
But we are here with bellies weak, with mountains high
  surrounded;
Just like some poor and hungry pig in village close impounded;
And we feel like praying Cuffee's prayer when drifting from the
  shore:
'Just let poor nigger off dis time, he'll never ask no more.'"

Most of these unfortunates abandoned their wagons and packing a limited amount of goods on their animals, proceeded to their original goal. Many others turned back to follow the Snake River Valley, a distance to Walla Walla of seven hundred miles. A few took the desperate chance of crossing the Rockies through Lemhi Pass to Deer Lodge, which was only two hundred miles from Fort Lemhi by the mountain trail, which wound along steep precipices, through narrow canyons and was everywhere beset by hostile Indians. Among the earliest pioneers of this route were G. W. Stapleton, John White and John Allen. An easier route which added a hundred miles to the journey had already been successfully followed by Sam McLean, Judge H. P. A. Smith, Judge William Clancy and others.

The freight train of an old New Mexican freighter with fifty or sixty teamsters bound for the Salmon River country heard in the fall of 1862 of the finds on Grasshopper Creek (Bannack). The employees threatened to abandon the goods if the employer would not change his direction. They compromised with an agreement to camp until the freighter could go to Salt Lake City and investigate the report. Upon so doing he learned that the reports were well founded, and returning to his train ordered it to go to Bannack. Here he sold his fifty loads at very high prices, for the miners had gathered at Bannack long before the merchants could get goods in there.

He returned at once to Denver and put his milk pan full of gold dust in the window of a bank. The label "from the Grasshopper Diggings" spread the news throughout the West, and when the roads were passable in the spring of 1863, thousands of wagons moved towards Montana.

The Yellowstone Expedition of 1863

Learning that the mines at Bannack City were proving rich and extensive, James Stuart left his ranch at Gold Creek in charge of a man named Anderson. The Stuart brothers then proceeded to Bannack where they engaged in the butchering business.

But as spring came on the exploring fever took possession of James, and he organized an expedition to explore and prospect the Yellowstone Country. This region was seldom visited by whites and almost unknown since the fur trading companies had withdrawn from there in 1840 because, with the beaver having been for the most part killed off, the business was no longer profitable.

On April 9, 1863, the expedition, consisting of fifteen men among whom were S. T. Hauser and George Ives, set out from Bannack City. James Stuart was elected captain with absolute authority.

The expedition was to have been joined by a party of six men at the mouth of the Big Hole River, but these failed to keep their appointment and the expedition went on without them, thinking they were not coming. This party of six tried to overtake the main party but was robbed and turned back by the Crow Indians. It was on the way back to Bannack that this party discovered Alder Gulch, which proved to be the richest gulch, for its extent, known in the annals of gold mining. It was from this gulch that five of the men of this party made their fortunes.

Unaware of the fate and fortune of these men who were to have joined them, Stuart and his party proceeded to the Yellowstone River and up its north bank. Here they encountered a band of the Crow Indians who attempted to frighten off the whites and steal their horses and supplies. Captain Stuart covered the chief with his rifle. The rest of the party levelled their guns upon the Indians who in turn levelled their guns upon the whites. Then followed an endurance contest of "eye-to-eye will power." Although the Indians outnumbered the whites, two to one they gave in at a signal from their chief who chose the alternative of withdrawal rather than death, the choice of which Captain Stuart had given him.

Three or four days later the Stuart party reached Pompey's Pillar, on the south side of the Yellowstone River, upon which they found the names of Captain Clark and two of his men engraved with the date July 25, 1806.

The party proceeded to the mouth of the Big Horn River where they washed a few pans of gravel. They considered the prospects of gold here so favorable that they mapped out a town site which they called "Big Horn City" and surveyed and claimed one hundred and sixty acres of land apiece adjoining this.

The party then moved up the Big Horn prospecting for gold. Here they were attacked at night by a band of Crows, which resulted in the death and wounding of a number of the expedition.

Since the Crows had shown themselves hostile, they deemed it impossible to return to Bannack through their country as they had come. They pushed on until they reached the emigrant road on the Sweetgrass River and returned by way of Fort Bridger and Bear River, reaching Bannack on June 24, 1863.

"All stated that but for James Stuart not one of them would have lived to tell the tale. His coolness, courage, and knowledge of Indian character, combined with his faculty of pursuing, as if by instinct, his course over snowy mountains and across arid plains, direct to the point he wished to reach, was universally admitted to have been all that saved them from falling victims to the night attacks of the murderous Crows."

Since American Fork had been about depopulated by the call of the mines in Alder Gulch, James and his brother regretfully abandoned their possessions there and moved to "Varina" (later changed to Virginia City) in Alder Gulch.

Soon after his removal to Alder Gulch James Stuart was stricken with typhoid fever, the effects of which, he said, he felt for several years afterwards and "which was no doubt the predisposing cause of the disease that caused his death ten years later."

In September 1863, he formed a partnership with Walter B. Dance, with whom he was associated until October 1870. They conducted a general merchandising business in which they were very successful.

The following spring, James Stuart organized a second expedition to the Yellowstone country to prospect for gold and also to avenge the death of his companions of the previous year. This party consisted of seventy-three men, who again elected James Captain. They crossed the divide between Gallatin and Yellowstone rivers on the 28th and 29th of March. They encountered so much snow and such severe and stormy weather that they found it almost impossible to prospect.

Since James' business arrangements did not permit him to remain away longer, he and fourteen others returned to Virginia City, May 18. That fall, 1864, James was elected to the legislature from Deer Lodge County, and served in the first session, held at Bannack City, in December and January, 1864-65.

In May 1865 he was commissioned lieutenant-colonel by Governor Edgerton, to head a band of volunteers against the Blood Indians, who had murdered ten men at the mouth of Maria's River. But since the Indians withdrew across the British line the campaign was abandoned.

From 1867 to 1870 he held the position of general manager and superintendent of the Saint Louis and Montana Mining Company's silver mines and works at Philipsburg.

In 1871 he was appointed post trader at Fort Browning, which was the Assiniboine and Upper Sioux Agency. It was here that he was severely injured by the caving in of a heavy dirt roof. When in 1873 the Assiniboine Agency was removed sixty miles up the Milk River to Fort Belknap, and the Sioux Agency to Fort Peck on the Missouri River, James sold out his stock and moved to Fort Peck. Here he was of great assistance because of his courage and knowledge of Indian character, in controlling the warlike Sioux.

When the agent, Major Simmons resigned, James took charge of the agency until it could be turned over to the successor.

It was here that he died on September 30, 1873, from an organic disease of the liver, from which he was suffering for a time. At the time of his death he was only forty-one years of age, in the prime of life and with the future holding great possibilities for him.

The Discovery at Alder Gulch

The natural tendency of man appears to be gregarious. He throngs the uncomfortable cities; where his fellows are most numerous, there he is happiest. In the wilderness, amid strange circumstances and dangers from wild beasts and wild men, without the protection of the larger groups with their institutions of law and government, this tendency to join together for mutual protection is seen very strongly asserted. The dangers of prospecting for precious metals in the mountain wilderness often made strange bed-fellows and prospecting partners.

Such a strangely assorted crew left Elk City, Idaho, a little mining camp on the South Fork of Clear Creek, in July 1862 bound for the Big Horn Mountains. The party was composed of an Irishman, named Barney Hughes; Thomas Cover, born in Ohio; a native of Newfoundland, known as Henry Rodgers; a Canadian from New Brunswick named William Fairweather; a Scotchman, Henry Edgar; and a native of Frederickstown, on the Saint John's River, named Mike, or Bill, Sweeney. These journeyed across the Bitter Roots and arrived in Bannack sometime during the autumn of 1862.

About the 15th of January 1863, they set out for the Deer Lodge Valley restlessly seeking richer fields to repay more abundantly their toil. Here they heard of the Stuart party going to the Yellowstone Country and set out, about the last of March, to join them at the mouth of the Stinking Water, a pretty little mountain stream which obtained its approbrious name from the bad odor arising from the hot springs in its vicinity, known as Puller Springs. The springs probably owed their disagreeable smell to the presence of sulphur.

Strange stories have been told to account for the Indian name of this river. Some say it was due to the unendurable stench arising from the decaying corpses of a large number of Indians once upon a time killed in battle on its banks. Another story has it that a large herd of bison were precipitated over a cliff into the valley of the river and the corruption of these many carcasses gave the name to the river. The waters themselves are now perfectly pure and odorless, and no reason now exists for so repulsive a name. The stream was called by Lewis and Clark the Philanthropy River. This name was never used thereafter, and gave way to another Indian name, the Passamari (Pah-sam'-er-rye), which meant the water of the cottonwood grove. By this name it appeared on the earliest maps of the Federal survey. In order to get away from the disagreeable name given to it by the early settlers and miners, its friends persuaded the Legislature to change the name to Ruby River, February 14, 1877. This name was chosen because the little stream drains a slope of the Ruby Mountains.

The Fairweather-Simmons party arrived at this rendezvous too late, for the Stuart party had left. Stuart's Journal for Sunday, April 12 records, "Louis Simmons and party were to have met us at the mouth of the Stinking Water, but we can find no trace of them." The difficulty was that, according to the journal of a member of the missing party, Henry Edgar, "we had agreed to meet James Stuart at the mouth of Beaverhead River. The way we came we did not see the Beaverhead at all and passed up the Stinking Water and camped on a creek that came from the east. We camped there eight days waiting for Jim but did not see him pass."

Under date of April 14, Edgar reported, "All well. Today looks better, clear but cool. Meat wanted. Bill and Simmons start for sheep and got one; a good one too, a fine fat fellow. Watched all day for Stuart, but did not see anyone." On the next day his entry was "all well. Morning looks well. After breakfast Bill and I took our guns and started out for a tramp down the river. What is that? Shod horse's tracks. We took the trail for a mile or two to find, if we could, how many there were and where they were going. Came to the conclusion it was Stuart's party. Back to camp; too late to move."

The Fairweather party broke camp the next day and followed the tracks of the Stuart party eastward. They believed they were only three or four days behind Stuart and hoped to overhaul them. On the 19th they found the place where the other party had crossed the Madison River and thought from the signs that they were not more than two days ahead. On their march they found plenty of game,—mountain sheep, elk, deer, antelope, ducks and geese. They had no maps to guide them but they were somewhat familiar with the general topography of the country. On April 23 the party crossed the divide between the Yellowstone and Missouri River systems. Several times they crossed to test the sand for gold. On the 26th they camped where Stuart's camp had been and found that some of the party had left the date of the earlier encampment, April 24, on a small bush near the ashes of one of their fires. This gave them renewed hope that they would soon overtake the company.

On the first day of May they were alarmed at discovering that a large party of Indians had crossed the Stuart trail and they were fearful that he might have been attacked. That night they camped in some small hills but did not set up their tents. They staked their horses and set guards. The next morning before daybreak the horses became restless and the white men discovered that the hills were alive with Indians. Here then was an opportunity to exhibit a cool nerve, for in a few moments they were prisoners. Their entire outfit was seized and taken to the Indian village which consisted of one hundred eighty lodges which would contain perhaps very close to one thousand Indians.

They talked the matter over, reported Edgar, and agreed to keep together, and, if it had to come to the worst to fight while life lasted. "All the young ones are around us and the women. What fun! We got plenty to eat; Indians are putting up a great big lodge,—medicine lodge at that. Night, what will tomorrow bring forth? I write this,—will anyone ever see it? Quite dark and such a noise, dogs and drums!"

The next day they were taken into the medicine lodge. "Simmons tells us we are wanted at the medicine lodge; up we go. Bill says, 'Ten o'clock, court now opens.' We went in, the medicine man sat on the ground at the far end; both sides were lined with the head men. Red Bear and Little Crow, the two chiefs of the village, sat beside the medicine man. We were taken in hand by an old buck; in the center of the lodge there was a bush planted,—the medicine bush—and around and around that bush we went. At last their curiosity was satisfied and we were led out to Red Bear's lodge and told to remain there. We had a good laugh over our cake walk. Bill says if they take us in again we will pull up that medicine bush and whack the medicine man with it. We tell him not to, but he says he will sure. An order comes again, and we go in and around the bush. At the third time Bill pulls up the bush and Mr. Medicine Man gets it on the head. What a time! Not a word spoken; what deep silence for a few minutes! Out we go and the Indians after us. We stand back to back, three facing each way; Red Bear and Little Crow driving the crowd back with their whips, and peace is proclaimed. Red Bear mounts his horse and started in on the longest talk I ever heard of; I don't know what he is talking about; Simmons says he is talking for us. He began the talk about noon and he was still talking when I fell asleep at midnight. We are all in Red Bear's lodge and a guard around it.

"May 4th: All's well that ends well. We were told this morning what the verdict was. If we go on down the river they will kill us; if we go back they will give us horses to go with. A bunch of horses were driven up and given to us. I got a blind eyed black and another plug for my three; the rest of the boys in the same fix, except Bill, he got his three back. We got our saddles, a hundred pounds of flour, some coffee, sugar, one plug of tobacco and two robes each for our clothes and blankets; glad to get so much. It did not take us long to saddle up. Simmons asked us what was best for him to do, stop with the Indians, or go with us. I spoke for the boys and told him he had better stay with the Indians, if he was afraid to risk his scalp with white men. He stayed. We got away at last. Harry Rodgers was riding by my side. I asked him what he thought would be the outcome. His answer was "God is good." The Indians told us to cross at the ford and go up the south side of the river. We met an old Indian woman and she told us not to cross the ford. She made us understand that if we did we would all be killed. When we came to the ford we camped and got something to eat and when it was dark saddled up and traveled all night; took to the hills in the morning; we were about forty or forty-five miles from our friends, the Indians. They told us Stuart was one day ahead. What has become of them?"

This vexatious outrage was the most fortunate thing that could have occurred for their own interest and that of Montana, for on their way back to Bannack City they went one day's travel up the Madison River above their ford of the fortnight preceding and crossed through a low gap to the southwest.

On May 26 while encamped on a little creek which drained into the Ruby River. Rodgers, Sweeney, Hughes, and Cover were prospecting while Fairweather and Edgar were doing the camp work and doctoring their lame horses. But we must now let Edgar tell the story in his vernacular as he recorded it. "We washed and doctored the horse's leg. Bill went across to a bar to see or look for a place to stake the horses. When he came back to camp he said 'There is a piece of rimrock sticking off the bar over there. Get the tools and we will go and prospect it.' Bill got the pick and shovel and I the pan and went over. Bill dug the dirt and filled the pan. 'Now go,' he says, 'and wash that pan and see if you can get enough to buy some tobacco when we get to town.' I had the pan more than half panned down and had seen some gold as I ran the sand around, when Bill sang out 'I have found a scad.' I returned for answer, 'If you have one I have a hundred.' He then came down to where I was with his scad. It was a nice piece of gold. Well, I panned the pan of dirt and it was a good prospect; weighed it and had two dollars and forty cents; weighed Bill's scad and it weighed the same. Four dollars and eighty cents! Pretty good for tobacco money. We went and got another pan and Bill panned that and got more than I had; I got the third one and panned that—best of the three; that is good enough to sleep on. We came to camp, dried and weighed our gold, altogether there was twelve dollars and thirty cents. We saw the boys coming to camp and no tools with them. 'Have you found anything? We have started a hole but didn't get to bedrock.' They began to growl about the horses not being taken care of and to give Bill and me fits. When I pulled the pan around Sweeney got hold of it and the next minute sang out 'Salted!' I told Sweeney that if he 'would pipe Bill and me down and run us through a sluice box he couldn't get a color,' and 'the horses could go to the devil or the Indians.' Well, we talked over the find and roasted venison till late; and sought the brush, and spread our robes; and a more joyous lot of men never went more contentedly to bed than we."

Thus was discovered what is believed to have been the richest placer diggings ever discovered in the world. In the first three years of its mining thirty million dollars worth of gold was taken out. In the fifteen years of hard mining which followed its discovery the yield was fully sixty million dollars, and the total yield from its discovery to the total exhaustion of the placer works was probably one hundred million dollars.

On May 28, while the party were staking out their claims the question arose as to what name should be given the creek. Edgar named it Alder Creek because a large fringe of that bush was growing along the creek, and, with its fresh green appearance, was attractive to the eye. The discoverers agreed to say nothing of the discovery to their friends at Bannack when they returned for supplies, but to come back later to Alder gulch and prospect it thoroughly.

The party started back to Bannack after staking their claims, happy in their rich find although travel stained and hungry for the few luxuries that could be obtained at the camp. On May 29, Edgar wrote, "All well. Breakfast such as we have, bread and antelope and cold water and good appetites. What better fare could a prince wish! It might be worse and without the good seasoning given by our find." The next day they were welcomed by their friends at Bannack and feasted upon Salt Lake eggs, ham and potatoes.

STAGE COACH, LAST CHANCE GULCH

They had hoped to be able to return to Alder Gulch alone; but the secret of their rich find could not be kept, for a crowd kept close watch of their movements in order that they might be carefully followed when they left Bannack. On June 6 the original party, in company with a large group of their acquaintances, arrived at Alder Gulch, or, rather, Fairweather Mining District, to use its new name.

Three days later they held a miner's meeting to establish a provisional government. Doctor Steel was elected judge and Henry Edgar was elected recorder. Edgar refused to serve and appointed James Fergus as deputy recorder to perform the duty of keeping the record of the claims located in order that there might be no dispute as to ownership.

As the camp grew in size they selected a name for it. The majority of these miners being southerners, they named their new town Varina, the name of the wife of Jefferson Davis, for Varina Davis was then the chief lady of the Southern Confederacy. Shortly thereafter, however, a Republican judge on being told the name declared that no such "rebel" name should besmirch the record of his court and ordered the entry made under the name of Virginia City. For several years this was the chief settlement in Montana. Senator William A. Clark, in his speech at the Philadelphia Centennial Exposition, stated that Virginia City had, in 1865, ten thousand people. After the discovery of Last Chance Gulch (Helena) much of the population of Virginia City removed to the new discovery; but a sufficient population remained in Virginia City to give Helena a sharp contest for the territorial capital.

Through efforts of the Virginia City Women's Club, on September 21, 1928, the site of the discovery of gold was marked by a huge granite boulder chiseled with this inscription:

> ON THIS SPOT, MAY 28, 1863, GOLD
> WAS DISCOVERED BY
> WILLIAM H. FAIRWEATHER
> HENRY EDGAR THOMAS W. COVER
> MICHAEL SWEENEY HARRY RODGERS
> BARNEY HUGHES.
> THE GULCH WAS NAMED ALDER
> THE MINING DISTRICT FAIRWEATHER
> MAY 26, 1864, MONTANA TERRITORY
> WAS CREATED BY ACT OF CONGRESS
> APPROVED BY ABRAHAM LINCOLN
> ALDER GULCH HAS PRODUCED OVER ONE
> HUNDRED MILLION DOLLARS IN GOLD
> SIZE AND PRODUCTION CONSIDERED
> IT RANKS AS THE WORLD'S RICHEST
> PLACER GULCH.
> DEDICATED TO THE PIONEERS OF MONTANA
> IN HONOR OF ANDREW J. DAVIS, PIONEER,
> BY HIS NEPHEW ANDREW J. DAVIS OF
> BUTTE, MONTANA.

The Discovery of Last Chance Gulch

The best sites in Alder Gulch having been preempted by the spring of 1864 a party of men decided to go to the Kootenai region and try their luck there. So John Cowan and John Crab of Georgia, Bob Stanley of London, England, and D. J. Miller of California struck out. Before they got to their destination they heard rumors from returning miners that the Kootenai region had played out. They turned eastwardly from their camp on the Little Blackfoot.

In entering the Prickly Pear valley from the Little Blackfoot they discovered from the large amount of game that they were in a country which had not been prospected to any great extent. As they proceeded down the beautiful gulch which now contains the highway over Priest Pass to Missoula, a stately elk bounded out and stood at short range surveying the strange party which had invaded his domain. They shot the elk and camped in this canyon, then prospected for some time but found nothing worth while. Following down the gulch they descended into the valley of the

PRICKLY PEAR VALLEY NEAR HELENA

Prickly Pear, and turning to the right made their preparations for a meal on the banks of Last Chance Creek.

The valley which spread before them was a hunter's paradise. Immense droves of antelope were feeding in it and along the margin of the stream the white-tailed deer were plentiful. After the meal was over the prospectors lay under the shade of some small trees and discussed their situation, concluding that they would take their course northward along the range and prospect the gulch at the mouth of where they were now encamped upon their return, unless they were able to find satisfactory placers in the mountains.

Before saddling their horses, two of the party strolled to the creek side to try a single pan of dirt. Scratching a hole in the gravel to the bedrock of a small bar they found fair samples of gold which induced them to make further trials but no nuggets of any size were found.

They went on northward digging holes everywhere but finding no amounts of gold worth further working. They went up the Dearborn to the head of the Teton and Maria's, where they found plenty of grizzly bears but no gold. The further northward they went the less likely the mountains appeared to contain gold.

Their stock of food was fast diminishing and, with the exception of grizzlies, game was very scarce. These they did not desire to annoy, for one of their friends the previous winter as he lay with his cheek bone torn out by the bite of a grizzly had given them good advice. "Boys," he said, "I've not lost any grizzlies and I ain't huntin' for them anymore." Notwithstanding this good advice, the temptation to take a shot was too strong one day and a large grizzly was badly wounded. The infuriated animal made a charge within a stone's throw of the camp, greatly alarming the cook and his two attendants but he did them no damage.

Recognizing the inability of this country to yield them any gold they turned southward, and as they made their way to Alder Gulch their daily remark was, "That little gulch on the Prickly Pear is our last chance; if we don't find pay there we streak it straight for camp." Thus the place was named Last Chance Gulch even prior to the discovery of gold in that location.

On or about the 15th of July they reached the spot at the edge of the Prickly Pear Valley where they had a few weeks before discovered some signs of gold. That evening they sank two holes to bedrock on opposite sides of the little creek. When the bedrock was reached, a hole on the north side was found to contain several good sized nuggets. They were experienced enough to know from the yield of this gravel that Dame Fortune had at last smiled upon them. Within each bosom the hope then bloomed of making the home stake which would enable them to return to friends and kindred once more and enjoy a good square meal.

Commemorating their discovery a bronze tablet has been placed on the east side of the Montana Club Building which stands on one of the busiest corners of Helena. The tablet reads as follows:

DISCOVERY OF GOLD
IN LAST CHANCE GULCH
ON THIS PLACER MINING CLAIM GOLD
WAS DISCOVERED ON JULY 14TH, 1864
BY JOHN COWAN AND JOHN CRAB OF
GEORGIA, BOB STANLEY OF LONDON,
ENGLAND, AND D. J. MILLER OF CALIFORNIA KNOWN AS THE "GEORGIANS"
WHO WERE RETURNING FROM AN
UNSUCCESSFUL PROSPECTING EXPEDITION TO THE KOOTENAI COUNTRY.
THIS DISTRICT WAS CALLED "LAST
CHANCE GULCH" UNTIL OCTOBER
30TH, 1864, WHEN IT WAS NAMED
HELENA.
THIS MEMORIAL OF THE ACHIEVEMENTS OF THE PIONEERS IS ERECTED
BY THE
HISTORICAL SOCIETY OF MONTANA
AND THE
SOCIETY OF MONTANA PIONEERS
SI MONUMENTUM REQUIRIS
CIRCUMSPICE.

It appears probable that these men were not the first white men to visit the site of Helena. Elijah M. Dunphy, who came in the Fisk party of 1862, arrived near or in Last Chance Gulch about 20 September, 1862. He did not remain here, however, but took a job hauling merchandise for King and Gillette to Montana City, a settlement some eight miles southeast of the present City of Helena. Here Fort Minnesota was erected. This place did not furnish a good location for merchants, because the miners did not here find much gold; so the goods were moved first to Deer Lodge, then to Bannack, and finally followed the miners to Virginia City. Dunphy at one time held title to a considerable area of the land on which Helena was built. In 1863 he built the second hotel at Alder Gulch; and in 1865 moved to Helena and engaged in merchandising for eighteen months. By that time Helena was a flourishing city.[4]

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[4] The career of Dunphy in Montana is interesting as illustrating the wide range of interests open to the pioneers. We have seen above how he started his career as a teamster and worked as a carpenter. After his eighteen months of merchandising in Helena he bought an interest in a saw mill with James Bentley and Fisk and operated it in the Blackfoot district turning out about two million feet of lumber. In 1867, Dunphy and Bentley were assessed in Lewis and Clark county for taxes on $25,100 worth of property. He took the mill to Unionville four miles south of Helena, where he cut most of the lumber used in rebuilding Helena after the fires of 1868. He bought a large stock of goods in Saint Louis, part of which he sold in Helena and the remainder of which he placed on sale at Hamilton in the Gallatin valley, where he had erected a fine store, hotel, and stables. In the summer of 1870 he purchased a half interest in a large herd of cattle which his partner David Bentley brought from Colorado. He continued his merchandising interest in Helena and his cattle in the Yellowstone country and bought interests in several gold and silver mines. Dunphy died 27 September, 1889, aged fifty-six years. His body lies beside that of his widow in Benton Avenue Cemetery, Helena.

Early Settlements in the Helena District

About the middle of August, 1862, an old man named Hurlburt, working with two other white men and a negro found gold in the valley of Prickly Pear Creek near where the town of Jefferson now stands. The town itself was not established until 1864, when a party of men from Alder Gulch tarried there while enroute to Helena. Allen T. Axe discovered the Gregory lode and this persuaded his companions to try further in this locality.

The Legislature of 1865 designated Jefferson as the seat of Jefferson County and for a time it grew but later waned. By 1880, it had only two hundred and ten inhabitants. The exhaustion of the placers and the removal of the county seat to Radersburg, twenty-five miles to the southeast across Crow Mountain, ruined the little settlement.

The town of Boulder was established July 20, 1862, when a gold discovery there drew miners from Gold Creek. In 1865 a townsite company was formed but the settlement soon languished. In 1883 Boulder won the county seat and has since retained it. Boulder is the center of several mining lodes which are not yet exhausted. South of Boulder two and a half miles are the famous Boulder Hot Springs, where a large hotel was built in 1883.

Twelve miles to the north of Last Chance Gulch along the old Fort Benton way to the mining camps lay Silver City, the first county seat of Edgerton, now Lewis and Clark County. The old road ran to the west of Scratchgravel Mountain branching west to Austin about ten miles from Helena, while the present road runs to the east of Scratchgravel. Here at Silver the stages met which carried passengers and mail to the Penobscot, Whippoorwill, Belmont, and Bluebird districts. Four mills at Silver ground and concentrated the ore from these mines.

Here Constans and Jurgens opened a store April 1, 1864; and here was held, Monday, February 27, 1865, the first meeting of the Edgerton County commissioners, who had been appointed by Governor Edgerton,—John W. Rhodes and A. J. Wells, with Nicholas Hilger as their clerk. The other county officers appointed by the governor were: J. B. Stewart, probate judge; G. J. Wood, sheriff; Henry Eastman, clerk (who appointed Hilger as deputy); John Somerville, treasurer; Malcolm Clarke, and the two mentioned above, commissioners; Orison Miles, justice of the peace; and John Warn, constable. Unfortunately Silver City's mining interest soon declined and the county seat was removed to Helena.

In the autumn of 1864, J. B. Morgan, Ed Lewis, and Malcolm Clarke built houses a few miles north of Silver City on the Little Prickly Pear. Paul Vermet had opened a station at the crossing of the Dearborn River some thirty miles north of the county seat. And on the north side of Sun River just across the border of the county, Alfred J. Vaughan, in 1860, had located a Government farm and buildings for the Blackfoot Agency.

The Early Days of Helena

At a meeting of miners on July 20, it was agreed to name the gulch, Last Chance; and the mining district, Rattlesnake District. The mining claims were to extend from summit to summit and two hundred feet up and down the gulch. Thus the claims might average an area of perhaps 200,000 feet. The discoverers were to have prior rights to the water for washing the sand and one hundred feet of the length of the gulch extra for discovering the claim. It was provided that all claims must be recorded within three days of their location. In the fall of this year the population was augmented by the coming of the several hundred people from Minnesota. The first cabin in Helena was said to have been built in 1864. By October first, five cabins had been erected, and in October two hundred votes were cast here at the first election of members of a Legislature. During the mild winter of 1864-65 one hundred and fifteen cabins were built. On September 24, a meeting was held to determine the name of the new town. After much discussion of the matter, John Somerville said that the name should be Helena, after his home town in Minnesota. A vote was then taken on the names of Saint Helena and Tomah. The former carried by one or two votes.

MAIN STREET, HELENA, IN 1870

Social and Religious Organizations

The first death in Last Chance Gulch was that of Dr. S. Rodney Pocock, for whom Rodney Street is named. This brought together the Freemasons in the community, who joined in burying their brother. Having discovered at this funeral how many Masons there were in the camp, a Masonic Lodge was organized and opened August 17, 1865, under the jurisdiction of the Grand Lodge of Colorado. The fraternity completed its first temple November 11, 1866, but this was destroyed by the fire of August 8, 1872.

The Rev. E. T. McLaughlin, a Methodist preacher, held services in Helena March 26, 1865. Roman Catholic services were likewise held in this year and Father F. X. Kuppens organized a mission in 1866, building a chapel on the eminence which is now called Catholic Hill. The property was held in the name of the Society of Jesus. In 1869 five Sisters of Charity came from Leavenworth and began, in the following spring, Saint Vincent's Academy. In less than a year after, these Sisters established Saint John's Hospital. In 1867, when Helena had 4,000 people, Bishop Tuttle of the Protestant Episcopal Church, held the first services of that denomination in this city. But not until 1879 was a building erected by these people. The first Presbyterian Church was organized August 1, 1869, by the Rev. Sheldon Jackson, who later acquired fame in Alaskan missions. Eleven women and one man made up the members. They were unable to secure a pastor until 1872 when the Presbyterian Church in the U. S. A. was reunited, thus making possible the sending of ministers into the newly developed region of the West. Four ministers came to Montana, and the six Presbyterian churches of the region were joined to the Synod of Colorado.

During the winter and spring of 1865, lumber was much in demand for sluice-boxes. The hand sawing was laborious work and production by this method cost twenty-five cents a foot. Sanders and Rockwell set up a steam mill and the product of this enterprise soon made houses begin to assume a more regular and dignified appearance as well as much more comfortable.

The first marriage in the organized Territory of Montana was said to have been performed by Orison Miles, a justice of the peace, the contracting parties were a runaway couple from Boulder. Judge Cornelius Hedges used to tell the story of the first law suit in Helena. A dispute arose over the ownership of a town lot. E. Warren Toole, brother of Joseph Kemp Toole who later became governor of the state, and Hedges were the lawyers. The judge, before whom the case was tried, reserved his decision and the lot had to be sold to satisfy the attorneys' fees.

The intelligence of this community soon demanded newspapers. The *Radiator* owned by T. J. Favorite, was the first to be issued, on December 17, 1865. It was printed on a press brought on horseback from Lewiston, Idaho. This paper was merged with the *Herald* in 1866. In August, 1867, this press started a daily. The *Gazette* which had started August 1, 1866, began to issue a daily in 1868. Both the *Herald* and *Gazette* burned out and the *Independent* was moved over from Deer Lodge in 1872. The *Herald* was revived and these two papers were the only ones printed in Helena in 1876.

Schools were begun and the mails established in 1865; telegraph lines were brought into Helena two years later. No chartered city government was established in Helena until 1881. Twenty years before that time, the merchants and bankers of Helena, had organized a protective association and had administered public affairs until the charter was granted. These merchants issued a price list in 1866 indicating that the wholesale price of butter was $1.75 a pound, refined sugar 52½ cents a pound, Japan tea $2.75 a pound, California beans 44 cents a pound, and nails $38 cwt.

We have already indicated that the cultural scale of the early Montanans was high. This is further exhibited in the fact that as early as 1868 a library association was organized, which began on a grand scale to spend $200 a month. However, it soon had to be more modest, and on a smaller scale it prospered until a fire on January 9, 1874, destroyed the collection. The library was started again and by 1876 it had accumulated twelve hundred volumes.

Public Safety in Early Helena

County commissioners for Edgerton County, the former name of what is now Lewis and Clark County, were appointed by Governor Edgerton and held their first meeting Monday, February 27, 1865, at Silver City, the county seat. The county had an area of more than eight thousand square miles, and the county seat was more than fifteen miles from Helena. This left Helena largely to its own devices for government, so this duty fell upon the fire department.

WINTER QUARTERS OF WALTER COOPER, HELENA, IN 1865

The three fire fighting companies, organized in 1865 by Charles D. Curtis, numbered one hundred sixty of the best citizens on their membership rolls. Being the only public organization, in the absence of any other law enforcing body, they served also as a police force. Among the prominent citizens who served in this capacity in the early days were included John H. Ming, Martin Maginnis, A. M. Holter, M. Lissner, H. M. Parchen, and T. H. Kleinschmidt, all of whom had a large part in developing Helena.

Disastrous fires have several times destroyed much of the business district of Helena. On 28 April, 1869, a fire originated in a Chinese gambling house which destroyed the greater portion of the business houses in the village. Another very disastrous fire took place on November 7th following when the Helena Theater burned. A high wind and the combustible nature of the material of which the building was constructed made a severe conflagration, which soon spread to other buildings. By tearing down some frame buildings the city was saved from total destruction. A fire of October 1, 1871, left a large portion of Main Street in ruins. The following August, one hundred forty thousand dollars' worth of property were destroyed in the blocks bounded by Main and Ewing, Broadway and Breckenridge streets, together with one block north and one block south of this area. Following this fire more than three thousand dollars was subscribed by the citizens for the purpose of providing apparatus for the fire company.

The last of the great fires occurred January 9, 1874, originating in a Chinese restaurant in the rear of the gambling house where the fire of 1869 started. This fire involved a much larger property loss than the former conflagrations. The burning of the big hotel cost $75,000. Parchen and Paynter's drug store lost $50,000. A general merchandise store owned by Auerbach and Brother lost $60,000. Gans and Klein lost $160,000 and other losses ran the total close to a million dollars. The office of the superintendent of public instruction was destroyed with all its records. The records of the Masonic Grand Lodge also burned and Col. Wilbur F. Sanders lost a number of manuscripts, books and pamphlets relating to the early history of Montana as well as his entire legal library.

By 1879 the City of Helena was protected from extensive conflagration by a Silsby rotary steam engine, a Hunneman hand engine, two hose reels with one thousand three hundred feet of hose, and a hook and ladder truck. The water supply consisted of eight cisterns each holding ten thousand gallons, supplied from the mains of the water companies. A constant watch for fire was maintained from a tower on Catholic Hill, near Saint John's Hospital from dark to daylight. There was also a patrol who walked the streets watching for signs of fire, who, when an alarm was given, relieved the watchman in the tower, for the latter was the engineer of the department.

The first murder in Helena was committed in Sammy Greer's saloon by John Keene on 8 June, 1865, the victim being a gambler named Henry Slater.[5] Shortly thereafter the following notice appeared:

> Notice to all whom it may concern. Whereas, divers foul crimes and outrages against the persons and property of the citizens of Montana have been lately committed, and, whereas the power of the civil authorities, though exerted to its full extent, is frequently insufficient to prevent their commission, and to punish the perpetrators thereof, *Now this is to warn and notify all whom it may concern that the* VIGILANCE COMMITTEE, composed of the citizens of the Territory, have determined to take these matters in their own hands, and to inflict summary punishment upon any and all malefactors, in every case where the civil authorities are unable to enforce the proper penalty of the law. The practice of drawing deadly weapons, except as a last re-

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[5] Various dates having been assigned this event, we here follow that of the account in the Montana *Post* given in issue of June 17, 1865.

> sort, for the defense of life, being dangerous to society, and in numerous instances leading to affrays and bloodshed, notice is hereby given that the same is prohibited, and offenders against this regulation will be summarily dealt with. In all cases the committee will respect and sustain the action of the civil authorities. This notice will not be repeated, but will remain in full force and effect from this date.
>
> By order of the VIGILANTE COMMITTEE, September 19th, 1865.

The condition of Helena from an economic viewpoint can be understood from an examination of the advertisements in the City Directory issued in 1868. Not only were necessities of all kinds offered for sale, but the advertisements evidenced a considerable luxury. A photograph gallery and a hair dressing parlor showed that vanity was willing to dispense gold dust. A foundry and machine shop, a tannery and leather manufactory, two cabinet shops, two shoemakers and a flour mill made the new community independent of eastern manufacturers on whose goods the freight would have been prohibitive. Four bankers regulated the price of gold dust with their careful assays. Four livery stables and five hotels entertained the stranger and his mounts. Seven wholesale and retail liquor dealers quenched the thirst of the citizenry.

In 1867, Col. A. K. McClure wrote:

"Here (Helena) is the most marked evidence of progress to be found in Montana. Virginia City has handled the forty or fifty millions of gold from Alder Gulch, and is sobering down with the ebbing tide into substantial, legitimate business; but Helena has all the vim, recklessness, extravagance and jolly progress of a new camp. It is but little over two years old, but it boasts of a population of 7,500, and of more solid men, more capital, more handsome and well-filled stores, more fast boys, and frail women, more substance and pretense, more virtue and vice, more preachers and groggeries, and more go-ahead activeness generally, than any other city in the mountain mining regions."

Helena soon became the great trade center for the forty thousand people of Montana. More than three million dollars worth of goods were brought in and sold here annually, not only to be consumed at Last Chance Gulch but to be retailed in other mining camps.

Near Helena, a few miles up the Missouri was Confederate Gulch, said to be the richest of its size ever discovered. J. X. Beidler, in his journal, told of taking $900,000 worth of gold which had been mined in Confederate Gulch from Helena to Fort Benton for shipment. This was hauled with a four-mule team in one load. Here, over $150,000 was "cleaned up" in two days, in 1866, and for several years thereafter it yielded largely.

By 1867, Montana was busily engaged in mining over that large territory west from Three Forks (then called Gallatin) and south from Helena. Machinery for twenty-five or thirty mines for the handling of gold-bearing quartz had been laboriously hauled into Montana. Argenta, a hundred miles south of Helena, had silver mines which yielded from $100 to $400 per ton, and lead, or litharge, worth $250 per ton at the furnace. Deer Lodge, Edgerton, and Jefferson were likewise important camps.

Gold Production in Montana.

During 1865 and 1866 the region around Last Chance Gulch was pretty thoroughly prospected. The placer mines of Lewis and Clark County are said to have produced twenty millions in gold from their discovery to 1868. In gold production in the early years for the whole of Montana was given in the *Annual Cyclopedia* of 1874 at page 581 as follows:

MAIN STREET OF VIRGINIA CITY

Montana's second territorial capital, which witnessed many stirring scenes in Vigilante days.

"Gold production in Montana; discovered in 1852; mining began in 1861:

1862	$ 500,000
1863	8,000,000
1864	13,000,000
1865	14,500,000
1866	16,500,000
1867	12,000,000
1868	15,000,000
1869	9,000,000
1870	9,100,000
1871	8,050,000
1872	6,074,000
1873	5,178,000
1874	4,000,000"

Gold Production Since 1870

It must not be thought that the tremendous production of gold in the early years of Montana's development exhausted the deposits. Although the production after 1870 fell off, Montana has never produced less than a million dollars' worth of gold annually. Five times, since 1870, the annual production has been more than five million dollars' worth. The methods of mining, however, have changed. Men are still panning the gravel of mountain streams and are finding enough gold to make a decent wage but, for the most part, Montana gold is being crushed out of quartz by machinery and concentrated in large plants. One of the interesting ways of getting gold was used by the Conrey Gold Mining Company near Ruby. This company built several dredges during and after 1899, and for fifteen years dredged the sand of Ruby Creek, washing out the gold with the water of the little stream. The specially made dredges had a bucket capacity of sixteen cubic feet, and were at that time among the largest in the world. Harvard University is said to have profited largely by its investment in this enterprise.

Economic Conditions in Montana

But metals were not the only product of Montana. The miners had to be fed and the five-hundred-mile haul from the railroad in Utah made food from that source too expensive. Wheat, barley, oats and rye and all the vegetables were being raised in the fertile valleys of the Rockies and the great valley lying between the Rocky and Bitter Root ranges. As far north as Fort Benton, cattle were grazed out all winter.

Mail was brought in by the Wells-Fargo Company over the railroad to Corrine, Utah, and there transferred to their stages which ran into Montana. The Government paid them $1,000,000 a year to carry the mails, but much of it was lost on the way. The Wells-Fargo private pouches were much safer and for a small sum one might have his mail carried in the special pouches. Freighting was a highly important occupation. All manufactured goods had to be hauled in, either from the railroad in Utah or from the head of navigation at Fort Benton. Some even came from the Pacific Coast by way of Walla Walla. Machinery, groceries, clothing, prints, iron, coffee, sugar, and lead cost fabulous prices. Scrap iron brought fifty cents a pound, sheet iron seventy cents, copper sheets were $2 a pound; lead from forty to seventy cents a pound. Five dollars a day was scarcely a living wage. In 1865, flour was $1 a pound, but the next year the Montana production cut the price to where imported wheat could not pay its freight charge.

Life was vigorous and living was ample in the Montana mining towns. A visitor of 1867 wrote home that oyster soup, oyster pie, sardines, fresh tomatoes, strawberries, plums, cherries, pears, and peaches were no luxuries, although they were produced a thousand miles away. Juicy beef and sweet butter were had in abundance.

Sunday was a holiday but not a holy day. Auctions, drinking, and gambling went on in the streets unchecked. There were few respectable women to lend a softening touch to the virile life of the men who dared all that civilization holds dear in their pursuit of fortune. But these conditions did not long obtain. Some traces of this careless life still remain, it is true, among the people of Montana. Yet, on the whole, it may be said that Montanans were soon worthy of being known as God-fearing and law-abiding people, for the softening influences of civilization were not long withheld.

For Further Reading

Sanders' *History of Montana* has some passages on the gold discovery which are helpful. The second volume of *Contributions to the Historical Society of Montana* (1896) contains three articles which are of particular interest, namely, "Historical Sketch of Madison County," by Judge Henry N. Blake; "A Sketch of the Early History of Western Montana," by Judge Frank H. Woody; and "A Historical Sketch of Lewis and Clark County," by Judge Cornelius Hedges.

CHAPTER VIII

EARLY TRANSPORTATION IN MONTANA

Most of the Indian tribes in Montana depended on hunting for their food supply. They were very nomadic, roaming over the plains in search of the buffalo, and in the mountains hunting smaller game. The horse was the Indian's means of transportation and before the introduction of horses, dogs were used for this purpose. When moving their lodges and other possessions which were too heavy to carry they did not pack them on horses but transported them by means of a travais or travail, consisting of two poles lashed at one end of each side of a dog or a horse, and the other end trailing on the ground; having a hurdle lashed pole to pole to receive the load. When Indians were ill or injured they were carried from place to place in this manner.

Indian Methods

The Indians traveled by water using the canoe and bull-boat. The birch bark canoe was the most popular where the bark was available but along the Missouri canoes were made by hollowing and shaping a log. These were called "dug outs" and before tools were introduced by the white men these logs were hollowed out by burning. Cottonwood, cedar or walnut logs were used.

The bull-boat was extensively used for transporting heavy loads. This was a queer tub-shaped boat made of buffalo hide and could be used with ease and security. It was the lightest craft for its size of any ever constructed, and was specially suited to shallow water. The frame was made by placing two sticks, an inch and a half in diameter, together to form a hoop for the brim with a second hoop for the bottom. These were secured by fastening sticks of equal length to their sides with thongs. When the frame was completed a green buffalo hide was stretched tightly over it and fastened with thongs. As the skin dried it became tight as a drum. The final operation was to pitch the seams with a mixture of buffalo tallow and ashes, making the boat water-tight. They were propelled with a paddle usually handled by a squaw.

River Transportation

Early explorers did not consider the Missouri River navigable because of its swift, turbulent nature. Gregoire Zerald Sarpy is given credit for introducing keel-boats in the Missouri but the date is not known. However, these boats were used in connection with fur trade shortly before the founding of Saint Louis. The extent of navigation on the Missouri was not known until 1805, when Lewis and Clark took a keel-boat and two pirogues to the Great Falls of the Missouri, now the head of navigation. The history of the steamboat is very similar to that of the keel-boat. The first steamer, *Independence*, went up the Missouri River two hundred miles in 1819. The *Western Engineer*, a government boat, went as far as Council Bluffs. In 1833 the American Fur Company sent two steamboats up the Missouri. The *Yellowstone,* with Maximilian, Prince of Wied, as a passenger, went as far as Fort Union. The *Assiniboine* went above Fort Union nearly as far as Poplar River. The head of navigation on the Missouri was reached by steamboat forty years after the first boat entered the river.

The principal boats which have been used on the Missouri are the canoe, pirogue, mackinaw, bullboat, keelboat, and steamboat.

The canoe was the most generally used of all boats. The Missouri River canoe was usually made of cottonwood logs, which were plentiful along the banks of the river, and were large enough to make canoes thirty feet in length. The average length of these canoes was between fifteen to twenty feet, and they were sometimes made of cedar and walnut. A suitable tree having been found, it was felled and a proper length of the trunk was cut out. The exterior was straightened with a broad ax and reduced to a round log shorn of all roughness and irregularity. The top was hewn off so as to leave about two-thirds of the log. The ends were given a regular canoe model, and were sometimes turned up on bow and stern with extra pieces for the purpose of ornament. The log was then carefully scooped out from the flat surface, leaving a thin shell two inches thick at the bottom and one at the rim. To support the sides, and give strength to the craft the timber was

PRE-RAILROAD DAYS

left in place at points from four to six feet apart, making solid partitions or bulkheads. A good-sized canoe was easily built by four men in four or five days. The canoe was commonly used to send messages up and down the rivers but they sometimes carried freight and went as far as Saint Louis. Bear's oil and honey were often shipped in the center apartment of the canoe, covered with skins.

In reading the Lewis and Clark journal we find the "perogue" mentioned quite frequently. These "perogues," or pirogues, were flat boats made by fastening two dug-out canoes together with boards of an equal length. Most pirogues were shaped like a flat-iron with pointed bow and square stern, flat botton, roomy yet with little draft; manned with four oars and steered with a long pivoted sweep. They could be fitted with a mast and sail and were not too heavy to be easily pushed off a sand-bar. The average dimensions were forty or fifty feet long, twelve feet wide, and three or four feet deep. There were two of these boats in the Lewis and Clark Expedition. One was left at Maria's River and the other at the Great Falls until the return trip.

The mackinaw boat originated in Mackinac, Michigan, and was used on the Great Lakes and their tributaries. They were made entirely of lumber and before nails were brought up the river they were held together with wooden pegs. It had a flat bottom made of boards an inch and a half thick. On these were placed cross pieces and inclined knees to support the sides. The gunwale rose about two feet from the center of the boat to the bow and stern. The hold was about five feet deep at the ends and three and a half at the center. The cargo was loaded between two water-tight bulkheads placed in the center of the boat. Skins were stretched tightly over the cargo and cleated to the gunwale. The crew usually consisted of five men, four at the oars in the bow and one at the rudder in the stern. They carried about fifteen tons of freight and were only used in downstream navigation, traveling from seventy-five to one hundred fifty miles in fifteen to eighteen hours. They were quite safe and preferred to the keel-boat for downstream navigation.

The Indian bull-boat was adopted by the trappers and fur traders to bring their furs down to the trading-posts. The average bull-boat was seven feet three inches in diameter, sixteen inches deep, with sixteen ribs and capable of carrying six or eight men with their loads. Loose poles were laid on the bottom to keep the load five or six inches from the bottom and protect it from any water that might leak in. The cargo rarely exceeded six thousand pounds. They made slow progress, were hard to navigate and had to be properly balanced.

The keel-boat preceded the steamboat in transporting merchandise up the river and for military or exploring expeditions. They were large boats, sixty to seventy feet long, built on a regular model with a keel running from bow to stern. Keel boats were generally built in Pittsburgh and cost from two to three thousand dollars. Freight was carried in a large cargo box which occupied the entire body except about twelve feet at both ends and a narrow walk on either side. Sometimes these were used for passenger boats and were comfortably fitted with cabins. These crafts were propelled by almost every known method, with the exception of steam.

The cordelle was the most used of the ways to navigate a keelboat. It consisted of a line about a thousand feet long fastened to the top of a thirty-foot mast. In order to keep the boat from turning around the mast, the cordelle was passed through a short loop in the bow. The boat was pulled by men on shore. It took from twenty to forty men to pull the boat up the river and the work was very difficult. The cordelle was long in order to lessen the tendency to draw the boat to shore and was fastened to the top of the mast to enable it to clear any bushes along the bank and not allow the line to drag. There were no definite paths along the river for the men to pull the boat along and often when an obstacle was reached a few men would carry the line around and fasten it and the rest of the crew would get on the boat and pull in the line. This was called warping.

There were many times when the boat could not be cordelled because sand bars prevented it from keeping close to shore or the men were not able to walk along the shore. At such times poles were used. They were long pieces of ash wood with a knob on one end to rest in the hollow of the shoulder and a wooden shoe or socket on the other. At the command of the patron the poles were let down well inclined down stream and the men would push together walking to the stern where they raised the poles and repeated the operation. The boat was steered while the poles were up and a sufficient momentum had to be produced to keep the boat in motion while the men were returning to the bow.

At times when the wind was favorable sails were used to a great advantage. When Manuel Lisa was trying to overtake the Astorian expedition before they reached the Sioux the wind proved to be a favorable aid. This voyage was much faster than the average keelboat trip up the Missouri, which took the entire summer.

When these means of navigating a keelboat were not effective they resorted to the oars. There were five or six oars on each side of the bow and these were sometimes used when the boat was being cordelled.

Keelboat laborers belonged to a distinct class. They were usually of French descent and represented a phase of pioneer life which has disappeared. They had to face many hardships, working early and late, in and out of the water, with very poor accommodations and plain food. Regardless of these facts they were always cheerful and willing.

Steamboats in the West

Before steamboats could be used in the rivers of the West they had to be remodeled. The steamers of the seaboard states were of too deep draft to navigate the shallow waterways of the West. The task of rebuilding the steamboaat was successfully undertaken by Henry Shreve when he built the *Washington* at Wheeling in 1816. Shreve built this boat without a hold, using an upper deck to take its place. It traveled on the water and not in it. His boat was a great success and within two decades boats built on this model outweighed in tonnage all of the ships of the seaboard and

Great Lakes. It was due to this change in construction that the Ohio, Mississippi and Missouri became the gateways to the West.

Steamboat Navigation on the Missouri

The *Independence* entered the Missouri River at Saint Louis in 1819 as an experiment to prove whether or not steam navigation could be used in so treacherous a river. The boat made a successful trip two hundred miles upstream. In the same year a Government boat, the *Western Engineer,* went as far as Old Council Bluffs. The steamboat gradually conquered the swift river, but it was not until 1860 that Fort Benton, the head of navigation, was reached by the *Chippewa,* an American Fur Company boat.

Fur trading, the great industry of the West, was responsible for the building of the *Yellowstone,* by the American Fur Company. The keelboats used by the company before the introduction of steam was a great handicap. They were hard to handle and took the entire summer to make a trip up the river. In 1830 Pierre Chouteau, Jr., proposed the adoption of steamboats for the company's use. The suggestion was approved and a boat was built named the *Yellowstone.* In the spring of 1831, the *Yellowstone* started on its first voyage up the Missouri. The journey was not as successful as anticipated. The boat reached the Niobrara River and was forced to stop because of low water. Boats were sent down from Fort Tecumseh to relieve the *Yellowstone* of her cargo and after this was done they proceeded up to Fort Tecumseh, now Pierre, South Dakota. No attempt was made to go farther and the boat returned to Saint Louis.

The *Yellowstone* set out again in 1832 and this time was successful in reaching Fort Union. Pierre Chouteau, Jr., and George Catlin, celebrated painter of Indian life, were passengers on this trip. The success of the *Yellowstone* gave great satisfaction to the company. It had added seventeen hundred miles to the internal navigable waters of the United States and proved that steam power could be successfully applied on the Missouri River. The voyage of the *Yellowstone*[1] created great interest in this country and abroad.

In the spring of 1833 the American Fur Company sent up two boats, the *Yellowstone* and the *Assiniboine.* Maximilian, Prince of Wied, was a passenger on this trip, stopping for several months at Forts McKenzie, Clark and Union. The *Assiniboine* went above Fort Union to the mouth of the Poplar River, where it was caught by low water and forced to remain all winter.

From this time on steamers made their annual trading trips up the Missouri but it was not until 1860 that the *Chippewa* reached Fort Benton, the head of navigation on the Missouri.

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[1] The *Yellowstone* was a good example of the early river boat. It was one hundred thirty feet in length; nineteen feet beam; six feet hold; side wheels; single engine; flywheel; cabin aft of shaft; ladies' cabin in stern hold; boiler decks open; no hurricane roof; pilot-house elevated; two smoke stacks; one rudder; six foot wheel bucker; eighteen foot wheel; stages aft; draft, light, four and one-half feet, when loaded to seventy-five tons, five and one-half feet.

In river boats the main or forecastle deck was the first deck, covering the hold; the boiler deck second, covering the boilers and covered by a hurricane roof; the hurricane deck was third and on this deck were situated the texas and the pilot-house.

The *Spread Eagle* and the *Chippewa* went up the Missouri in 1859 with the annual supplies of the American Fur Company. The owner of the *Chippewa* contracted to go as far up the river as possible, but he defaulted in his contract at Fort Union and the company purchased the boat. All of the supplies from the *Spread Eagle* for Fort Benton were loaded on the *Chippewa* and the voyage continued with Capt. John La Barge[2] in charge and Charles P. Chouteau as company's representative. La Barge brought the boat to within fifteen miles of Fort Benton and in 1860 the *Chippewa* and the *Key West* went the remaining distance to the Fort. The farthest point believed to be reached by steamer was in 1866 when the *Peter Balen* went to the mouth of Belt Creek, six miles below the Great Falls. From the year 1860 to the present day Fort Benton has been the terminus of shipping on the Missouri River.

THE GREAT FALLS OF THE MISSOURI

As they looked when Captain Mullan laid out his famous trail from Fort Benton to Walla Walla (1861).

Early steamers on the Missouri encountered many hardships. Hostile Indians, excited by the "fire canoe" often crowded the banks of the river or gathered around the trading-posts and, if the boat refused to stop or the traders failed to meet their demands, they would immediately open fire on the boat. Another hardship was obtaining fuel. Wood was the only fuel used and as steamer transportation advanced definite woodpiles were stationed along the course. Before this time each boat had to obtain its own supply. Wherever wood was available the boat would pull in to shore and the crew cut the wood, sometimes leaving a pile to be picked up on the return journey. In some sections Indians were so hostile that the boat could only stop long enough to cut the logs and bring them on board to be sawed. Many times the Indians burned the supply piles or interfered with the men while they were loading the wood.

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[2] "Captain John La Barge, one of the oldest and best steamboat men on the river, takes command of the *Chippewa*, and if the trip to Fort Benton can be made, he will make it."—Sioux City Eagle. July 23, 1859.

From 1850 until after the Civil war steamer transportation on the Missouri grew and thrived.[3] The American Fur Company boats made annual trips up the river with supplies and annuities. Government and private exploring parties traveled up the Missouri and a few early settlers went up the river; settled near the trading posts or penetrated farther inland. The discovery of gold in Montana, in 1862, soon brought treasure seekers into this territory by way of the Missouri.

After the Civil war river transportation began to slump and gradually overland routes competed with the river, taking away much of its trade. The great river had done its part in opening up the West, and little by little was forced to give way to the better methods of transportation. The railroad in the West was the greatest enemy of the river. The struggle for supremacy between the steamer and the railroad lasted between 1859 and 1887. The path of the railroad followed the river valley gradually reaching points along the river and destroying all river trade below these points. The final blow was dealt in 1887 when the Great Northern reached Helena, Montana. This event marked the end of extensive river transportation, the fall of Fort Benton and the rise of the City of Great Falls. The last commercial boat left Fort Benton in 1890. The railroad triumphed and extended its lines in all directions, and the river, unable to compete with the rapid, flexible means of the locomotive, was placed in the background.[4] However, the Missouri did not become useless, for in 1902 Congress passed an act for the reclamation of arid lands, and the waters of the Missouri, once valuable for transportation, were used for irrigation.

Early Trails and Roads in Montana

The large overland routes did not extend into the interior of Montana and the discovery of gold made it necessary to build tributaries into the gold fields. The two main arteries of transportation leading into and near Montana were the Missouri River and the Platte trail. As the influx of settlers grew, more branch roads and direct routes sprang up, leaving the Missouri at Fort Benton and the Platte trail near the vicinity of Fort Hall.

In 1855 Congress authorized the building of a military road from Fort Benton to Walla Walla. John Mullan, later employed by the Northern Pacific Survey, supervised the construction of this road, which followed an old Indian trail over the Rocky Mountains. It was primarily intended for a military road but soon became a highway for immigrants. Mullan organized his party in 1858 but Indian hostilities kept him from work until the spring of 1859, when he completed the road over the Coeur d'Alene Mountains and wintered on the Saint Regis Borgia. In 1860 the road was opened through to Fort Benton but, in 1861, Mullan went back over the route making improvements. The road was now completed, connecting the Missouri and the Columbia rivers, and soon became a rival of the Oregon Trail. The Mullan road shortened the distance to be traveled by wagons,[5] lessened the hardships of the travelers and was more or less free from Indians, and in 1862 was traveled extensively.

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[3] Four boats left Fort Benton in 1862. Forty-two left in 1869.

[4] In 1902 Congress passed an act abolishing the Missouri River Commission, thus abandoning the river as a commercial highway.

In 1862-63 John M. Bozeman and John M. Jacobs left Bannack to explore Southern Montana looking for a shorter road than the Platte Trail. They were harassed by the Indians but finally reached Missouri, after living on grasshoppers and traveling barefoot, and were employed to guide a party through the new road. The Indians threatened them on the way back and they were forced to go around by the Snake River. Bozeman returned to Missouri and succeeded in bringing a wagon train through his route in 1864, racing with Bridger as far as Virginia City. Bozeman's road went directly through the best hunting ground of the Sioux and in order to keep the road open for future use the Government had to establish four forts,—Forts Reno, Laramie and Phil Kearney in Wyoming and Fort C. F. Smith in Montana. Fort Phil Kearney was the scene of many an Indian attack, being situated in the heart of the Sioux hunting grounds. It was here that the Fetterman ambush took place in 1866, when the Sioux wiped out Colonel Fetterman and eighty soldiers, leaving no survivors. The Bozeman Trail ran from Red Buttes on the Platte to Three Forks on the Missouri, following the route partly used by Clark on his return journey,—that is, from Three Forks to the mouth of the Powder River.

During the gold rush of 1865, disappointed miners from California and Idaho rushed into Montana over the Mullan road, while men from the east who had not tried their luck came in over the Bozeman trail. Many of the miners traveled horseback with a pack train of horses or mules. During the gold rush of 1865 the trails were filled with men and pack animals and the oldest transportation companies in Montana were composed of men carrying on a pack train transportation to the gold fields. Until the coming of the "prairie schooner" the pack trains served their purpose and instead of purchasing wagons and complying with the latest methods of transportation the pack train men fought the wagon trains, making for keen competition but finally recognizing the superior method of transportation and giving way to the covered wagon. Capt. John Mullan, in his *Miners' and Travelers' Guide,* makes the following comment:

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[5] The first wagons were brought into western Montana between 1850-54 by a Mexican trapper, Emanuel Martin. They were brought across the Big Hole Basin, over the Big Hole mountains, into the Bitter Root Valley.

"If the intention is to travel with a pack train, take the cross-tree pack-saddle, with crupper and breeching, and broad thick pads. Use lash-rope, with canvas or leather belly bands. Have a double blanket under each saddle. Balance the load equally on the two sides of the animal—the whole not to exceed two hundred pounds. Have a canvas cover for each pack. A mule-blind maybe found useful in packing. Each animal should have a hackama, and every animal (packing and riding) a picket-rope, from thirty-five to forty feet long and one inch in diameter. For my own purposes, I have always preferred the apparejo for packing and have always preferred mules to horses. Packages of any shape can be loaded upon the apparejo more conveniently than upon the packsaddle. A bell animal should be always kept with a pack train, and a grey mare is generally preferred. Every article to be used in crossing the plains should be of the best manufacture and strongest material. This will, in the end, prove true economy. Animals should be shod on the fore-feet, at least. Starting at dawn and camping not later than two o'clock in the afternoon, I have always found the best plan in marching."

ROAD THROUGH WESTERN MONTANA

The era of the pack-train was of short duration and the settlers soon adopted the prairie schooner.

These covered wagons or prairie schooners were sometimes seventeen feet long, flaring from the bottom upward, with canvas coverings, and a six feet depth of hold capable of carrying from five thousand to sixteen thousand pounds, and were drawn by four or six yoke of oxen. Settlers crossing the plains in this manner usually traveled in large groups or trains, to avoid Indian attacks, and if attacked they drew their wagons into a circle for protection. The largest train to cross the plains was that of General Custer in 1868. He had over eight hundred six-mule teams making a line single file four miles long. Before the advent of the railroad, covered wagons carried on a freighting business supplying all of the inland towns of the West. The Russell, Majors and Waddell Company, who, for many years carried all of the Government military supplies, had in their employ 6250 oversized wagons with a capacity of six thousand pounds each, and seventy-five thousand oxen. Besides the Russell Company there were several other large freighting companies out of which developed the stage coach and the pony express. The height of prairie schooner freighting was reached between 1850-1869, the climax being between 1856-1866. Average freight rates between Atchison and Denver (620) miles were:

Flour	9	cents per pound
Sugar	13½	cents per pound
Bacon and dry goods	15	cents per pound
Whiskey	18	cents per pound
Glass	19½	cents per pound
Trunks	25	cents per pound
Furniture	31	cents per pound

The above trip took twenty-one days for wagons drawn by horses or mules; five weeks for ox teams.[6]

Gold was the most important item for shipping in the early days. From 1856 to 1869 freight companies charged five percent of the value of the gold to ship it to the states. Banks would only pay for the gold in the shipment, not allowing for the silver, and it was not until the assay office was established in Helena in 1875, that gold could be shipped without loss to the miner. Before 1870 the gold was taken from the interior to Fort Benton in wagon trains and from there shipped down the Missouri. At first due to a limited means of transportation freighters made their own terms, sometimes receiving ten cents a pound to carry gold from Helena to Fort Benton.

Camel Trains in Montana

At one time in the early days, Montana had an odd feature in transportation system. In the spring of 1855, Congress appropriated $30,000 to the War Department for the purchase of camels and dromedaries. Maj. Henry C. Wayne was sent to the Levant to buy the best obtainable for breeding in the United States, particularly in the region known to New Yorkers as "The Great American Desert." The Bey of Tunis, in token of his extreme good will, presented the United States officer with two mangy and diseased brutes, which were not fit to bring to America. After experiencing considerable opposition from the Turkish government, which did not care to have any first-class breeding camels leave its dominion, a ship-load of thirty-three camels and dromedaries sailed from Smyrna in May, 1856. These were landed at Indianola, Texas, and were found to be better than mules or horses for construction work. They could, it was claimed, carry a thousand pounds apiece, and would eat food that even a mule would reject.

Some of these camels were taken north by traders and used, as late as 1865, to freight goods to the mining camps of Montana from Walla Walla, Washington. The camel train usually went by way of Lake Coeur d'Alene, and through Hell Gate to the gold mines. The writer has never found any explanation as to why their use was discontinued, except that they frightened the horses and mules in the caravans and were not climatically adapted to America. It is possible that their colts did not thrive under the bad weather and rough treatment they would have to endure in the West. American zoos can raise young camels successfully. The camels brought to America, or as many as survived the unfavorable conditions, were finally released and occasionally, even today, some of their descendants may be seen in the wilder and warmer parts of the Southern deserts.

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[6] William Lightfoot Visscher *The Pony Express.*

The Pony Express

Although the Pony Express did not directly concern the early history of Montana it deserves mention here, being the first rapid transit and fast mail line from the Missouri River to the Pacific Ocean. This method of transporting mail on horseback brought the Atlantic and Pacific coasts ten days closer to each other. The Russell, Major and Waddell Company started the Pony Express in 1860 without Government aid and continued until 1861. The route started from Saint Joseph, Missouri, going to San Francisco, California, by way of Salt Lake City. When fully equipped the company owned and operated 190 stations, 220 horses, 400 station men and eighty riders. Riders had a route of about one hundred forty miles with a change of horses every ten or fifteen miles. Ten days were required to carry a letter from Saint Joseph to San Francisco.

In 1866 mail came to Butte by way of Virginia City and was carried by Pony Express operated by William Vernon. Only letters were carried with a charge of twenty-five cents each. This seems to be the only instance when mail was carried by Pony Express in Montana.

The Era of the Stage Coach

Travel by stage coach in Montana differed very little from that of the large overland routes. The traveler risked many dangers and was repaid by very few accommodations. The roads were constantly watched by Indians and highwaymen. Drivers were often drunk and reckless and the stage stations offered no accommodations and served meals which were in most cases unfit to eat. Gold was often shipped by stage and its safe delivery was the only item of concern to the company.

Soon after the settlement of Alder Gulch a stage line was established, connecting Virginia City with the overland route. Some idea of the service given by this line may be gathered from the following advertisement:

> Overland
> Stage Line
> Ben Holladay, Proprietor
> Carrying the Great Through Mail between the Atlantic and Pacific States

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This line is now running in connection with the daily coach
between
Atchison, Kansas & Placerville, Cal.
Tri-weekly Coaches between Salt Lake City and Walla
Walla, via Boise City, West Bannack and
tri-weekly coaches between
Great Salt Lake City and Virginia City, Montana,
via Bannack City.
Carrying the U. S. Mail
Passengers, and Express Matter.
Also tri-weekly coaches between Virginia City and Bannack
City.
Coaches for Great Salt Lake City and Bannack City leave
Virginia City every
Tuesday, Thursday, and Sunday Morning,
Connecting at Fort Hall; and coaches to Boise and Walla
Walla, and at Great Salt Lake City, with the daily
lines to the
Atlantic States, Nevada, and California
Express matter carried in charge of competent and trustworthy messengers.
For further particulars apply at office.
Nat Stein, Agent
Virginia City, Montana Territory.[7]

Ben Holladay's line was very successful. Travel by stage coach although not ideal, was an improvement over the covered wagon; it was a time saver. Not long after the first stage line reached Montana, all of the more important mining camps were connected by stage routes. One of these was that of A. J. Oliver, who made the following advertisement in the *Montana Post* for January 20, 1866:

A. J. Oliver & Co.'s Express
(Carrying the U. S. Mail between Virginia City and Helena, M. T.) are running a Tri-Weekly Line of Six-horse Coaches between Virginia and Rhea Cities (Jefferson Gulch) via Boulder Valley, Beaver Town, Jefferson City, Montana City, Helena, (Last Chance) Green Horn, Blackfoot City and Washington Gulch.
A Tri-Weekly Line
between Virginia City and Blackfoot (Ophir) via Nevada and Junction Cities, Jefferson Bridge, Silver Bow City, German Gulch, French Gulch and Deer Lodge City.
A Daily Line
between Diamond City and Helena via Middle Missouri Crossing.

Hold-ups and robberies were frequent. The road agents were so well organized that a stage carrying "dust" was always known; very few treasure stages reached their destinations in safety. Many passengers lost their lives or were seriously injured in a hold-up. Emerson Hough in writing of his stage trip from Atchison, Kansas, to Helena, Montana, said: "On the second day after leaving Atchison, the eastern bound coach met us, having on board one wounded passenger, the next day with one dead, and the next with another wounded. At Sand Hill Station the body of the station keeper was lying by the side of the smoking ruins of the log cabin. As there was no stock to be found for a change of horses, we drove on with our worn-out team, at a slow pace, to the next station. The reports of passengers eastern-bound were also very discouraging."

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[7] *Montana Post*—February 11, 1865.

Stage stations were placed along the routes at intervals of ten or fifteen miles. Some were used only to care for stock and provide a change of horses. Meals and over night accommodations were furnished at others. At best they were a poor excuse. Various stories have circulated about one station kept by a Mrs. Corbet, who was a terror to travelers. It was said to be a common thing for her to force passengers, at the point of a pistol, to eat meals at her table; charging them one dollar per, without any comment. Another station was known as "Dirty Woman's Ranch" and from all reports was correctly named.

AN OLD STAGE COACH

The stage fare from Virginia City to Helena was $25; from Virginia City to Salt Lake $75, in bankable dust. It took two weeks to make the trip from Atchison Kansas, to Helena, Montana, and the fare was $150. The average fare was twelve cents a mile.

The Abbott-Downing coaches used in the West were built at Concord, New Hampshire, and thus came to be known as "Concords." Each coach, like the Pullman cars of today, had its individual name. They were equipped with three seats inside, the middle one being little more than a bench, so that with some crowding nine persons could be accommodated. Five more, including the driver, could be carried on top. Usually the mail was so bulky that it could not all be carried in the leather "boot," as the mail and baggage compartment in the rear was called. In that case it had to be put in the passenger compartment; for passengers could be left behind, while the Government would not permit any delay of the mail. The safety compartment for valuable packages was placed under the driver's feet.

These coaches were built of the very best material obtainable. The bodies were heavily varnished and the openings for the doors were cut several inches above the bottom so that the coach could be floated across a stream if necessary. Since no steel springs were then made which could withstand the strain of travel over the trails which were merely ruts across the prairie or boulder-strewn stream beds through the mountain passes, the body of the coach was swung on stout leather braces. This method of suspension gave to the vehicle a peculiar sea-going motion. Six horses were ordinarily attached to each coach and where speed was essential the animals were exchanged for fresh ones about every ten miles. Where a more leisurely pace was satisfactory, the stage stations were not placed so closely together.

Few passengers had the physical and mental endurance to stand the continuous jolting of the coach for more than forty-eight hours at a stretch. For this reason sleeping quarters as well as eating houses had to be provided at intervals. The misery of travelers who had to put up with the expensive and unpleasant accommodations in these road houses of the early days of Montana's history are reflected today in legislation.

The Legislature provided that "all bedrooms shall be kept free from vermin, and the bedding shall be clean and sufficient in quantity and quality. All sheets shall be at least eight feet long; each guest shall at all times be furnished with two clean towels; in case bedrooms are carpeted, the carpet or carpets shall be taken up and thoroughly cleaned at least once each year; and in all hotels where fifty cents or more per night is charged for lodging, the sheets and pillow cases shall be changed after the departure of each guest."

"No rusted tin or iron vessel shall be used in cooking food and all food stuffs shall be kept in a clean and suitable place free from dampness and contamination."

Travelers were allowed to take into the coaches only twenty-five pounds each of personal baggage and it is said that many preferred to carry this in demijohns whose contents anesthetized the miseries of the journey with Kentucky's pride.

After the Utah Northern railway connected Dillon, Montana, with Salt Lake City in the late '70s, the old Salt Lake Stage ceased to travel. But for several years thereafter, stage coaches were the only means of conveyance for the mails and passengers throughout Montana generally. Even after the Northern Pacific built its line across Montana from the Dakota to the Idaho border, stage coaches were in use as feeders for the railway service. Thus the stage coach disappeared from Montana transportation very gradually. In fact, certain districts are today served only by automobile stages and there are several settlements of people removed one hundred miles from the nearest railway station.

CHAPTER IX

HOW THE LAW CAME TO MONTANA

After the Nebraska Territory was organized in 1854, no attempt was made to set up government in its northern parts. Neither did Oregon Territory, which had been organized in 1848, attempt to organize local governments east of the Cascades, for there was, up to 1864, practically no need or demand for local governments here, since the only United States citizens in what became Montana were a few fur traders. But, as we have seen, after western Montana had become a part of Washington Territory, two counties had been organized west of the Rockies before 1860.

The best description in a few words that has been given of the little mining camps of Bannack, Virginia City, and Helena is probably Colonel McClure's:

"There was no government, no law, no access to the protecting power of the national authority for years, and here were most inviting fields for the banished desperadoes of other lands, and every incentive to lead the upright down through the tempting but ultimately fatal labyrinths of crime. Few families were among the early settlers, and the happy influences of faithful wives and virtuous daughters were unknown. The influence of women, so far as felt, came from the hopelessly fallen, and, like all perverted angels of light, they but hastened the mastery of wrong and led the way. Gamblers plied their vocation without blush or restraint, in the most public places. Murderers infested every locality where there was the least inducement to take life for gold; and organized thieves ramified into every settlement."

As has been suggested above, gambling was the most prominent way in which these early communities of miners entertained themselves. In one of the numerous gambling houses a man might entertain himself with any one of a half dozen games and the stakes were high enough to thrill the nerves of the most hardened player. The high excitement prevalent in these houses very frequently led to quarrels in which gun play took a part.

Another means of amusement bore the odd name of the "hurdy-gurdy" house. This was nothing more than a public dance hall with a bar at one end where champagne at twelve dollars a bottle and whisky at twenty-five cents a glass were served in large quantities. The bar was divided from the dance hall by a railing running from side to side. Beyond this barrier the "hurdy-gurdies" or dancing women awaited their partners. In some of the houses the women were dressed in uniform but more frequently they were accoutred, as their individual fancies dictated, in the finest clothes that money could buy. On one side was the orchestra raised above the level of the floor by a low platform in most cases, but sometimes protected from chance bullets by being put in the gallery overhead. An array of fiddles usually furnished the music, with an occasional drum to give accent. But the saxaphone, which some enjoy and some deplore today, had not yet been invented for the guidance of dancers. When the fiddles began to play, a summons: "Take your partner for the next dance," was promptly obeyed by the gentlemen present, who, after paying a dollar in gold for a ticket, approached the ladies' bench and invited one of them to dance. Half of this fee went to the girls, whose many matrimonial chances kept their wages very high in order to induce them to remain thus employed.

A contemporary leaves us the following interesting picture of a couple on this dance floor.[1]

"Let us describe a first class dancer—'sure of a partner every time'—and her companion. There she stands at the head of the set. She is of middle height, of rather full and rounded form; her complexion as pure as alabaster, a pair of dangerous looking hazel eyes, a slightly Roman nose, and a small and prettily formed mouth. Her auburn hair is neatly banded and gathered in a tasteful, ornamented net, and with a roll of gold tassels at the side. How sedate she looks during the first figure, never smiling till the termination of 'promenade, eight,' when she shows her little white hands in fixing her handsome brooch in its place, and settling her glistening earrings. See how nicely her scarlet dress, with its broad black band round the skirt, and its black edging, sets off her dainty figure. No wonder that a wild mountaineer would be willing to pay—not one dollar, but all that he has in his purse, for a dance and an approving smile from so beautiful a woman.

"Her cavalier stands six feet in his boots, which come to the knee, and are garnished with a pair of Spanish spurs, with rowels and bells like young water wheels. His buckskin leggings are fringed at the seams, and gathered at the waist with a U. S. belt, from which hangs his loaded revolver and his sheath knife. His neck is bare, muscular and embrowned by exposure, as is also his bearded face, whose sombre hue is relieved by a pair of piercing dark eyes. His long black hair hangs down beneath his wide felt hat, and, in the corner of his mouth is a cigar, which rolls like the lever of an eccentric, as he chews at the end in his mouth. After an amazingly grave salute, 'all hands round' is shouted by the prompter, and off bounds the buckskin hero, rising and falling to the rhythm of the dance, with a clumsy agility and a growing enthusiasm, testifying his huge delight. His fair partner, with practiced foot and easy grace, keeps time to the music like a clock, and rounds to her place as smoothly and gracefully as a swan. As the dance progresses, he of the buckskins gets excited, and nothing but long practice prevents his partner from being swept off her feet, at the conclusion of the miner's delight, 'set your partners,' or 'gents to the right.' An Irish tune or a hornpipe generally finishes the set, and then the thunder of heel and toe, and some amazing demivoltes are brought to an end by the aforesaid 'gents to the right,' and 'promenade to the bar,' which last closes the dance. After a treat, the barkeeper mechanically raps his blower as a hint to 'weigh out,' the ladies sit down, and with scarcely an interval, a waltz, polka, schottische, mazurka, varsovienne, or another quadrille commences."

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[1] Dimsdale's *Vigilantes of Montana,* 12-13.

The public dance was not a place of ill repute. Gentlemen high in political authority and of eminent standing in the new communities frequented the places. In fact all except the clergy apparently applauded the amusement. Since the communities contained so many strangers coming and going this was one of the best places to get acquainted and many a young woman here met a good husband.

The majority in these communities were doubtless honest men. The reign of disorder in 1863-64, brief and severe, was not due to the unusual number of criminally inclined, although there were many such, but to the lack of organization among those who loved order. Two dozen hangings restored order among ten thousand people and it is probable that there are more desperate criminals at large in Montana today than were left in the Territory by January 1865.

The miner's court, composed as it was of all the citizens in the community, was not a satisfactory instrument of justice. An accused person arraigned before this tribunal stood a good chance of having in the crowd a sufficient number of friends to secure a verdict in his behalf. At best public indignation is a poor means of social control and is quite as likely to foment disorder by the injustice of its findings as it is to promote concord in a community.

The fact that only two forms of punishments were available and both of them very severe, naturally had a tendency to incline the miner's court to undue leniency. In the absence of jails and prisons, the only punishments inflicted were exile and death by hanging or shooting. The whipping post would doubtless have been a desirable institution in these early communities but for some reason or other it was very rarely used. Only a few cases are recorded.[2] Perhaps the explanation is to be found in the fact that the majority of the community were Southerners, in whose minds the whipping post stood as a punishment fit only for slaves and not to be applied under any circumstances to free men.

We have already seen how the conditions of existence for the miners of the West tended to make them highly excitable and nervous. The risks which they constantly endured, the difficulties which they faced, the absence of responsibility of any kind all made human life very cheap. Furthermore, we must recognize the fact that among them were men who had fled from justice in the East, concealing their identity by an alias among the strangers of the mining camps.

The criminal tendencies of early Montana found expression in an organization of thieves and murderers known as Road Agents. They are said to have gained this odd appellation in the following manner: At the beginning of a stage journey, the agent of the company would collect the fares of the passengers; in like manner these "Road Agents" would relieve the traveler of all other wealth that he might have retained after passing through the hands of the more legitimate agent. There were possibly as many as fifty men who had banded themselves under the able leadership of Henry Plummer, a young man of excellent address and well-developed criminal tendencies.

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[2] In the summer of 1864, Jem Kelly received fifty lashes of rawhide at Nevada City for being an accomplice of murder.

Henry Plummer was a young man who had the art of ingratiating himself with all classes of men and women. He was born in the state of Kentucky about 1837 (according to Langford). He joined the gold seekers in their stampede to California and in the year 1853 we find him operating the Empire Bakery at Nevada City, California, in partnership with Henry Hyer. About three years later he was elected marshal of the City of Nevada, an office which he apparently filled satisfactorily to the citizens, for he was re-elected and nominated for the Assembly. His criminal career began about this time in an intrigue with the wife of a German named Vedder. One day Vedder discovered Plummer in his home and was shot dead by the young marshal. For this offense Plummer was arrested and tried, first in Nevada City, California, where he received a ten year sentence in the penitentiary, and then in Yuba County, on a rehearing with change of venue.[3] The second court confirmed the verdict of the first but after a few months of confinement his friends successfully petitioned for his release on the alleged ground that he was suffering from tuberculosis. His release from prison merely enabled him to continue a criminal career in California, Oregon and Washington Territory.

In the early fall of 1862 we find Plummer taking part in an attempted robbery of the Pony Express operated by Tracy and Company between Lewiston, Idaho, and the Salmon River. Then, apparently, Plummer decided to return to the States by way of Fort Benton. On the 18th of September he was entertained at the ranch of James and Granville Stuart on Gold Creek.

At the Sun River Government Farm Plummer and Jack Cleveland, an old acquaintance and former partner in crime, whom he had met at Gold Creek on his way east, decided to pass the winter, for there they met and courted a most delectable young lady named Eliza (or Electra) Bryan.[4] Shortly after Christmas, instead of going downstream, they turned to Bannack and there began their remarkable career of crime in Montana. On the fourteenth of January, 1863, Cleveland was killed by Plummer, but Plummer, on being duly tried, was acquitted, owing to certain threats which Cleveland had made.

From this time on, Plummer occupied his time in making friends rather than enemies, for on May 24, 1863, he won the office of sheriff of Bannack. It is possible that at this time Plummer really intended to reform. During his stay at Sun River he had become engaged to Miss Bryan, the sister-in-law of the keeper, Vail, of the Government farm. In June Plummer returned to Sun River and on the twentieth was married to Miss Bryan by Father Joseph Menetrey. About this time Plummer attempted to obtain membership in the Masonic fraternity at Bannack but was unable to convince the brethren that he was a proper person to be received within their circle. On September 2, Mrs. Plummer returned to her home in Cedar Rapids, Iowa, by overland stage. Did she then know of Plummer's captaincy of the Road Agents?

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[3] See 9 California 299 for order reversing and ordering new trial.

[4] Francis M. Thompson, an acquaintance of Plummer's, has left us a wealth of detail concerning his affairs, but his statement was prepared fifty years after the events. See *Massachusetts Magazine* VI, 162-190.

The historian N. P. Langford wrote: "It is a remarkable fact that the roughs were restrained by their fear of the Masonic fraternity from attacking its individual members. Of the one hundred and two persons murdered by Henry Plummer's gang not one was a Mason. It is worthy of comment that every Mason in these trying hours adhered steadfastly to his principles. Neither poverty, persuasion, temptation, nor opportunity had the effect to shake a single faith founded on Masonic principle: and it is the crowning glory of our order, that not one of all that band of desperadoes who expiated a life of crime upon the scaffold, had ever crossed the threshold of a lodge-room. The irregularities of their lives, their love of crime, and their recklessness of law, originated in the evil association and corrupt influences of a society over which neither Masonry nor religion had ever exercised the least control. The retribution which finally overtook them had its origin in principles tracable to that stalwart morality which is ever the offspring of Masonic and religious institutions. All true men then lived upon the square, and in a condition of mutual dependence."[5]

Plummer's repentance was either insincere or very short lived, for the fall of 1863 was marked in these mining camps by a period of terrorism. The Road Agents were well organized for their nefarious work. At one of their meeting places, a ranch occasionally used as a tavern by delayed travelers, a target was put up and they practiced to improve their marksmanship. Their plan of operation was well systematized. A constant correspondence was maintained between Bannack and Virginia City and all trails were carefully watched by them. No miner ever made a rich strike and no quantity of gold dust was ever moved along the road but the organization was aware of the strike or the movement. Since not all the Road Agents were known to each other personally, each man made use of a peculiar knot in his neck-tie to mark his membership in the organization.

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[5] Nathaniel Pitt Langford, as the reader will at once surmise, was prominent in the Masonic fraternity. He was one of three master Masons who entered Montana, then Dakota Territory, with the Fisk train from Minnesota in 1862. The Grand Lodge of Nebraska granted a dispensation under date of 27 April, 1863, for a lodge to work at Bannack with Langford as first Master, but before the dispensation was received at the little camp so many of the brethren had scattered to other camps that the lodge was never organized. See the section on Masonic history for a further treatment of this subject. It would seem that this interest should have entitled Langford to an office when the Grand Lodge of Montana was organized but that honor was deferred a few years. He was Senior Grand Warden in 1868 and Grand Master in 1869.

Langford was born in Oneida County, New York, 9 August, 1832. From 1854 to 1862, he lived at Saint Paul, Minnesota. Upon the organization of the Territory he was appointed Collector of Internal Revenue. In April, 1869, President Grant sent his nomination for the governorship of Montana to the Senate but it was not ratified. In 1872 he was appointed bank examiner for all the Territories and the Pacific States, a position which he filled with honor for many years.

On the formal establishment of Yellowstone National Park Mr. Langford was made its superintendent, without salary or grant for expenses. He served in this capacity from 1872 to 1877.

In 1890 he published *Vigilante Days and Ways* through J. G. Cupples Company of Boston.

In 1885 Langford became a life member of the Minnesota Historical Society. For twenty-two years he was a member of its Executive Council. From 1905 to 1911 he was President of the Society. He died at Saint Paul 18 October, 1911.

They carried as weapons two revolvers and a double barreled shot gun of large bore with the barrels cut short. In addition to the firearms they usually carried daggers. They saw to it that they were mounted on the very fastest horses the region could afford and thus they secured an advantage whether they were pursuring or being pursued. "Late in the summer of 1863," wrote Col. Wilbur Fisk Sanders, a contemporary, "it began to dawn upon the Virginia City citizens that these highway robbers were plying their vocation with great industry, but as they dominated the executive offices of the volunteer tribunals the mouths of the suspicious were sealed. With increasing certainty and ever-widening scope, this open secret, at first a suspicion, grew into an absolute certainty, told in whispers; and strangers in the country who had gained each other's confidence, began to consult as to the protection of their enterprises and themselves, and even dared to speak confidentially the names of the guilty parties.

"Plummer's prudent reticence delayed suspicion as to him longer than some of the others, and quite a number of the robbers were known before Plummer was suspected. He was a candidate for United States Marshal of the new territory with respectable but limited support. He was able to render his subordinates good service by misleading public opinion and misdirecting this suspicion, but by the autumn of 1863, public fame, informed by a multitude of circumstances, pointed her unerring finger at as bloody a company of bandits as ever rode the plains."

The affair of the Dillingham murder brought clearly to the attention of those interested in the preservation of order the impossibility of relying upon the miner's court to dispense justice in the community. Washington Stapleton, a miner named Dodge, and a third man, whose name is unknown, were intending to go to Virginia City. Being supposed to have a considerable amount of gold dust with them, the Plummer gang laid plans for robbing them. Dodge was secretly informed by Dillingham, that Buck Stinson, Hayes (or Haze) Lyons and Charlie Forbes had made plans for robbing the miners and had requested the informant to join them in the crime. When the time for their going came, Dodge decided to stay where he was, fearing an attack. Under the teasing of his friends he finally admitted that he had received a warning by Dillingham. When Stinson, Lyons, and Forbes discovered this leakage of their plans they determined to kill Dillingham.

Dillingham was deputy sheriff of Alder Gulch and in this capacity went to Viriginia City in search of certain stolen horses. This threw him into the hands of the three who took advantage of the opportunity on the twenty-ninth of June to carry out their threat. The three culprits were immediately placed under guard and their trial was commenced at mid-day of the same day on which the murder was committed. Stinson and Lyons were found guilty and sentenced to be hung but the execution was deferred until the result of the trial of Forbes could be determined.

Forbes was a young man of very attractive appearance who used his exceptional oratorical powers to make an appeal to the crowd. This eloquent speech so wrought upon their sympathies that he was acquitted by a large majority. After the vote had been taken many crowded around him with shouts and laughter to congratulate him upon his escape. After the memory of the occasion had passed Forbes admitted that he was the slayer of Dillingham and ridiculed the susceptibility of his fellow-citizens. But to return to the story of the convicted criminals. A wagon was drawn up in front of the building and the condemned were ordered to get in. They obeyed, and several of their friends took seats beside them. Lyons made loud appeals for mercy which attracted the sympathy of many women in the crowd, who began to cry and beg that the man might be spared. Their lawyer, Smith, added to the tumult of the women his prayers that they might be spared and under this pressure of sympathy the entire crowd began to give way. At the height of the excitement one of Lyons' friends demanded that the people should hear a letter which he had just written to his mother.

This document, which had been prepared by one of his friends for the occasion, was filled with expressions of love for the aged parent, regret and repentance for the misspent life and strong promises of amendment if opportunity should be given him. During the reading of this remarkable document the cries for mercy grew louder. Someone called out in derision, "give him a horse and let him go to his mother."

Upon this, another friend immediately moved that a vote be taken upon this issue. Sheriff Todd, to whom the duty fell of carrying out the sentence of the court, weakly consented to take the vote instead of proceeding to execute the order of the court and the question was put. Amid a great tumult both parties claimed the victory, with the result that the men were turned loose. Charlie Forbes very wisely disappeared at the same time. It was rumored thereafter, that in a quarrel with Moore at the Big Hole river, Forbes was killed.

The Robbery of the Salt Lake Coach

By the fall of 1863 a stage coach route between Salt Lake City and the Montana mines was being operated by A. J. Oliver and Company with a fair degree of regularity. But the route through which the stage ran was particularly well adapted to highway robbery. The narrow canyons, the steep mountain passes, the narrow rocky ledges, the willow and cottonwood thickets, afforded ample means of concealment for the robbers and very slight chance of escape for those attacked. When it was known that a person carrying money was about to leave by coach a secret mark was made upon the vehicle which would be recognized as soon as the coach was on the lonely road and word would be rapidly transmitted by riders on horseback to the nearest group of highwaymen.

Early in the afternoon of a cold day late in November 1863 the Salt Lake coach pulled out of Virginia City, driven by Thomas C. Caldwell, and headed for Bannack. Its passengers were Leroy Southmayd, Captain Moore, and a discharged driver named Billy. About nineteen miles out of town they were halted by three robbers. George Ives, Bob Zachary, and William Graves were in complete disguise, each one wrapped in a blanket of green and blue. Graves, better known as Whisky Bill, wore a silk hat; his sleeves were rolled above the elbows and his features concealed by a black silk handkerchief, through the eyeholes of which his ferret-like eyes could be seen. The gray horse which he rode was likewise covered with a blanket so completely that only his head, legs, and tail were visible. The other horses were similarly concealed. Ives was masked with a piece of gray blanket and Zachary with hickory shirting. Each man carried a gun across his saddle bow.

After dismounting the passengers, they carefully searched them but found very little on them. Southmayd lost $400 in gold, and Captain Moore $100 in Federal notes.

When the coach arrived at Bannack questions were immediately asked as to the cause of this delay. "Was the coach robbed today?" asked Plummer of Southmayd as he left the box, and, knowing him to be sheriff, Southmayd was about to report the whole occurrence when Judge C. C. Bissel gave the would-be informant a signal to be cautious in his remarks.

In order to lead him on, Plummer volunteered the information that he thought George Ives was one of the robbers, and to this Southmayd very foolishly replied, "I know, and the others were Whisky Bill and Bob Zachary and I'll live to see them hanged before three weeks." Two days later Caldwell, the driver, met Graves at the Cold Spring Ranch. Taking him to one side, he inquired of Graves if he had heard anything of the little robbery. Graves replied that he had, and inquired if Caldwell knew who were the perpetrators. Caldwell replied that he did not know and would not tell if he did.

Ives went to Virginia City and while intoxicated in a house of ill fame said that he was the chief that had made Tom Caldwell throw up his hands and that he would do it again. "Don't you think Tom knows it?" he was asked. "Of course I do," replied the desperado, and Caldwell was immediately warned by his friends that his life was in danger.

When Southmayd had finished his visit at Bannack and prepared to return to Virginia City by coach he found that Buck Stinson and Ned Ray, of ill repute as Road Agents, were intending to travel by the same coach. The only other passenger was a sixteen year old boy. At the Cold Spring Ranch, Stinson and Ray were joined by Zachary, Graves, and another desperado known as Alex Carter. Southmayd and the driver knew of their great danger but they were bold, courageous men. Although they were outnumbered they proceeded on their journey. They forced Stinson to ride up front with the driver, covered by the gun of Southmayd, while the boy kept his weapon pointed toward Ray. But even this arrangement left them without protection from the three ruffians on horseback, Zachary, Graves and Carter.

Fearing that when the coach went through the narrow, rough canyon of Alder Gulch an attempt upon their lives would be made, Southmayd and Caldwell went aside to consult as to how they might best protect themselves. Caldwell recommended leaving the coach and taking to the brush.

Stinson, who had been expecting some new plan, overheard this conversation, and, anxious as he was that the robbery and murder should take place, did not want to run the risk of these men escaping and notifying the whole community of Virginia City. He tried to persuade them that there was no danger and they told him they intended to fight for their lives and make the best account possible. Stinson replied, "Gentlemen, I pledge you my word, my honor, and my life, that you will not be attacked between this place and Virginia City."

As soon as the horses had started again, Stinson began singing in a loud voice. When at last he became tired, at his request his partner Ray took up the song and kept it up until their arrival at Virginia City. This singing was a signal to the other three robbers to make no attempt. The next day Ray warned Southmayd that his life would be forfeited if any statement were made as to the identity of any of the men whom he had seen on the route. In spite of his great danger, Southmayd lived to see all these robbers disposed of. Ray and Stinson were hanged with Plummer on 19 January, 1864. Carter and Zachary were hanged at Hell Gate fifteen days later. Ives was the first of the quintet to be hanged and we shall now relate the story of his trial and execution.

The Trial and Execution of George Ives[6]

It will be remembered by the reader that late in September Chief Justice Edgerton and Wilbur Fisk Sanders had arrived in Bannack, representatives of the authority of the United States Government in the newly created territory of Idaho, in which jurisdiction Bannack then belonged.

In the summer of 1863 Messrs. Clark and Burtchey located at Summit in Alder Gulch, having come from Colorado with several teams of mules. One of these teams they left in the care of George Ives on his ranch at Wisconsin Creek. Having necessity for them early in December, Clark sent a young German named Nicholas Tiebalt for the animals. The boy had accompanied his parents up the Platte and had been left an orphan by the murder of his parents by the Indians. Henry Clark had taken the lad into his care and had become greatly attached to him.

Tiebalt did not return from his errand. About ten days after he had been sent on his errand his mutilated body was brought to Virginia City by William A. Palmer, the keeper of a saloon and dance house at Nevada City, who had discovered the body while hunting birds.

A self-constituted posse of citizens headed by James Williams went to the place where the body had been found, and at daybreak of the next morning swooped down upon the tents which were at Ives' ranch and examined the five or six sleepers there. Ives and two companions were arrested by the posse and taken to Nevada City.

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[6] See the widely variant account in Bancroft "Popular Tribunals" I, 676-680.

The trial of the culprits was unusually complicated. In the first place there was a great deal of discussion as to whether the trial should be before a small jury or before the entire citizenry. It was decided that an advisory jury of twenty-four should be selected to advise the fifteen hundred citizens who had assembled. The next question that came up was, should the trial be conducted with the aid of lawyers? Both the accused and the accusers had secured legal counsel. It was finally decided after much oratory containing many uncomplimentary remarks about the profession that the defendant should have counsel and the prosecution be similarly represented.

J. M. Thurmond and Alexander Davis assisted by John D. Ritchie and Harry Percival Adams Smith appeared for the defendants, having been summoned to their aid by the Road Agents gang. Wilbur Fisk Sanders and Charles S. Bagg were the prosecutors. The court consisted of Judge Don L. Byam (1814-1883) with William Y. Pemberton as clerk. Sanders describes the scene thus:

"A semicircle of benches from an adjacent hurdy-gurdy house had been placed around the fire for the accommodation of the twenty-four jurors; and behind that semi-circle a place was reserved for a cordon of guards, who with their shotguns or rifles, as the case might be, marched hour by hour. Beyond them, and 'round on their flank stood a thousand or fifteen hundred miners, teamsters, mechanics, merchants, gamblers—all sorts and conditions of men, deeply interested in the proceedings. As a rule, it was a good-natured crowd and not unduly boisterous and all had the right of participating in the discussions and other proceedings if they chose, of which quite a number from time to time availed themselves. There was frequent objection to the relevancy or pertinency of proposed proof, and whenever a proposition was submitted to a vote, the absent participants were summoned from the restaurants, saloons, stores, barber shops and other places of resort to give their vote upon the objections, which were generally without merit and were overruled."

A freight wagon with a very high seat had been conveniently placed to serve as a witness box. The first witness to take this lofty seat was Palmer, an old figure with bared head and long hair hanging about his shoulders, who told of finding the dead body, of requesting the assistance of Ives to care for it and of being refused. The trial was continued on the morning of December 20. A rumor affirmed that Plummer would attempt the rescue of his satellite, but that gentleman's activities were prevented by a rumor to the effect that a great vigilance committee had been organized to rid the country of desperadoes.

As the trial proceeded, in tracing the whereabouts of Ives for the summer and fall preceding "the circumstances of robbery and murder thickened around him and the names of his companions on these forays were blurted out by witnesses with a brutal frankness, and the testimony assumed a wider scope than the mere proof of killing Tiebalt. As the names of these active participants, in the earlier portion of the proceedings, were frequently repeated under circumstances showing their identification with Ives' crimes, a prudent regard for their safety silenced them, and retiring to the rear of the crowd they became less prominent, and indeed, during the progress of the trial some of them disappeared."

John Frank, known as Long John, turned State's evidence. With apparent candor he told of circumstances of the killing of Tiebalt. When the young German came to settle the bill for the care of the horses his buckskin purse was seen to contain three or four hundred dollars worth of gold dust. After Tiebalt had ridden away on one of the mules, leading the other, Ives had said it was a pity to let all that money go and the mules also. A coin was tossed to see who should go get the money, and the toss of the coin indicated Ives. Returning with the mules in a short time, he told of shooting Tiebalt.

The men who drove stages between Virginia City and Bannack offered much testimony as to Ives' connections with murders and robberies occurring along the trail. But Sanders thought it prudent not to call for their testimony lest vengeance be taken upon them for their part in bringing Ives to justice. The proof against the accused was so incontestable that his lawyers devoted their time to attempting to bring the principal witnesses into disfavor with the crowd. But after all was said the following facts remained fixed in the minds of the auditors.

First, that Ives killed Tiebalt as charged. Second, that he had likewise committed several other murders of equal cruelty in the vicinity. Third, that he had robbed stage passengers between Rattlesnake Ranch and Bannack in October. Fourth, that he had been guilty of highway robbery along the trails leading to Salt Lake City. Fifth, "that he belonged to the criminal classes and that his appetite for blood had grown until it became a consuming passion."

Twenty-three jurors reported in writing to the court that they found Ives guilty to the charge, the other lost his courage and refused to commit himself. As soon as the report was read, Sanders made a motion reciting that whereas the accused had been given a fair and impartial trial with the privilege of being heard by witnesses and had been reported as being guilty that the verdict of the jury be approved by the miner's meeting there assembled. Judge Byam immediately put the motion which was carried by acclamation. Another motion immediately followed that the accused be now forthwith hung by the neck until he was dead. The second motion was carried with equal ease and promptness.

Robert Hereford, sheriff of Nevada mining district, and Adriel B. Davis, the sheriff of Junction mining district, were directed to proceed immediately with the execution. Increasing the guard over Ives, who sat in a chair by the fire in front of the wagon, the two sheriffs left to find a suitable gallows. At this moment Ives rose, and, making his way to where Colonel Sanders was standing, said, "Colonel, I am a gentleman, and I believe you are and I want to ask a favor which you alone can grant. If our places were changed, I know I would grant it to you and I believe you will to me. I have been pretty wild away from home, but I have a mother and sisters in the States, and I want time to write them a letter, and to make my will, and I want you to get this execution put off till tomorrow morning. I will give you my word of honor as a gentleman that I will not undertake to escape, nor permit my friends to try to change this matter."

Hearing this request, a stocky young German spectator, J. X. Beidler, by name, yelled across the street, "Sanders, ask him how long a time he gave the Dutchman?" This remark brought a ripple of laughter from the crowd and weakened the force of the request. Sanders then suggested that the court take possession of Ives' property and dispose of it, paying the board of the guard and the prisoner during the days of the trial and remitting whatever remained to Ives' mother. This motion found favor with the crowd. A few minutes later Ives was hanged in the street without further incident, the execution taking place on December 21, 1863.

J. X. BEIDLER

Largely responsible for bringing law and order to Montana in the sixties.

Many compliments were afterwards paid Colonel Sanders for his brave part in this trial. He was a young man, recently married, with excellent prospects before him. He had much to lose and little to gain in taking the great risk of prosecuting the case

Ives' friends threatened him and a guard was kept around Sanders to protect him from possible assault for some time thereafter.

The following morning the miners assembled again to dispose of the cases against George Hilderman and John Frank, who had been jointly accused with Ives of the murder of Tiebalt. Hilderman, being an old, weak, and foolish man who did not evidence sufficient intelligence to be deemed morally responsible, was banished. It was made the duty of any person finding him in the settlements after New Year's day to shoot him on sight. Hilderman asked to make a statement, and, this being granted, he said he had no way of traveling and did not know how to go or where to go, to which statement a profane auditor replied that he might go to Hell. The crowd, however, insisted on his banishment without fixed destination. Within the ten days granted him to leave, Plummer furnished him with a horse and provisions and he left Montana never to return.

Since Long John Frank had given his testimony against Ives it was felt that the animosity of Ives' associates would be sufficient punishment and he was permitted to remain in the country until he should choose voluntarily to depart.

The Thanksgiving Dinner

The true character of Henry Plummer had been long suspected by a few, but proof of his connection with the Road Agents was lacking. There was at the time an intense popular excitement, but Plummer's time was not yet come. He was then living with his sister, a lady who enjoyed the friendship and confidence of the few good women of the little camp. His next door neighbor was Wilbur Fisk Sanders. In early November Plummer had the effrontery to invite Chief Justice Edgerton and his wife with Colonel Sanders and his wife as well as a group of the most prominent citizens to eat Thanksgiving dinner in his home. He sent to Salt Lake City for a turkey, probably the first imported into the Territory, for which he paid forty dollars. In addition to the turkey he supplied his guests with the finest outlay obtainable in the region. "Plummer was the soul of hospitality upon that occasion," wrote Colonel Sanders many years later. "His easy flow of conversation, his elegant manners, his gracious attention to his guests made him an ideal host. No person seated there could realize fully that this smiling gentleman was the arch-demon of the trails, that the well modulated voice which entertained with compliment and jest could thunder out the vilest blasphemy, and that the hands which served them had put to death countless victims."

Several of Plummer's contemporaries agree with Sanders that he was a man of singularly attractive personality when he wished to be civil. He was quiet and modest, dignified and graceful. His conversation, low toned and well bred, was such as to be agreeable in the best society. He was never boisterous even when intoxicated. There was nothing in his behavior to identify him with the traditional "bad man."

Langford, who knew him well, said of his facial expression: "Affection, fear, hate, grief, remorse, or any passion or emotion, found no expression in his immovable face. No color ever flushed his cheeks. With mobile and expressive features, he would have been handsome—all except the forehead; this, with the conformation of the skull, betrayed the murderer, and Plummer knew it. The observer beheld a well-cut mouth, indicating decision, firmness, and intelligence; but not a line expressive of sensuality; a straight nose and well-shaped chin, and cheeks rather narrow and fleshless, still, in their outlines, not unhandsome. But one might as well have looked into the eyes of the dead for some token of a human soul as to have sought it in the light gray orbs of Plummer. Their cold, glassy stare defied inquisition. They seemed to be gazing through you at some object beyond, as though you were transparent. While other men laughed or pitied or threatened with their eyes, his had the same half-vacant stare, no matter how moving the story or tragic the spectacle."

The Beginnings of Revolt Against Lawlessness

Many good citizens realized that affairs could not long be permitted to continue under the constant menace of Plummer and his gang. In the early fall of 1863 the murder of Lloyd Magruder heightened the feeling against the domination of Plummer.

Lloyd Magruder was a merchant of Lewiston, Idaho, who combined in his character so many noble qualities that he was one of the most highly esteemed and beloved men in the Territory. In the summer of 1863 Magruder came to Virginia City with a large pack train laden with miscellaneous goods intended for sale in the new camp. From the sale of these goods he received about fourteen thousand dollars and made arrangements to return to Lewiston by way of Elk City. Knowing that Magruder in all probability would be carrying with him this large amount of gold, Plummer determined upon his murder and robbery. Since Mr. Magruder planned to take with him four other men the consummation of the Road Agent's plan would mean the murder, or severe wounding, of not less than five persons. They intended to kill them all for "dead men tell no tales." It was arranged that four highwaymen should join the Magruder party and accordingly they offered their services. Magruder gave them each a fat mule to ride, telling them that they could turn their lean horses loose with the band of other horses being herded with the expedition. Rumors of the intent of the murderers had some circulation in Virginia City but the terror of the Road Agents was sufficient to keep everyone from warning any of the party of the danger.

As they journeyed toward the summit of the Bitter Root Mountains the villains murdered Magruder and his four traveling companions. Having possessed themselves of the treasure, the ruffians rolled up the bodies, baggage, and arms and threw them over a precipice. The ruffians proceeded to Lewiston where the sight of Magruder's mule, saddle, and other property in possession of the robbers, as well as the large amount of gold, led the deputy marshal at Lewiston to suspect something wrong when they left by coach for San Francisco.

Hill Beechey, the marshal, followed them to California and there arrested them on the charge of murdering Magruder and his party. After being brought back to Idaho one of the robbers turned State's evidence and the other three were hanged.

While this cruel murder aroused great resentment, the citizens of Alder Gulch did not know how to cure the evil in their midst. Paris S. Pfouts had been in San Francisco when a vigilance committee there put an end to similar crime. Williams, the Lotts, Davis, and others had recently come from Denver where a similar committee had put an end to public violence. But in the new country friendships were new and untested. The only nucleus around which to form a vigilance committee consisted of those who had taken upon themselves the obligations of Freemasonry.

Paris S. Pfouts, master of the lodge of Masons in Virginia City, which had received a dispensation to organize themselves from the Grand Lodge of Kansas on December 7, 1863, is authority for the statement that during the Ives trial five men in Virginia City, which was only a mile up the gulch from Nevada City, had held a meeting and decided to form a vigilance committee. These five men were Pfouts, Nick Wall, Wilbur F. Sanders, Alvin V. Brookie and John Nye. These men had probably consulted with John S. Lott, his brother Mertimer H. Lott, and possibly James Williams.

The Organization of the Vigilantes

Ives and his fellow prisoners had been kept during the intervals of the trial in a store owned by M. H. and John S. Lott, both public spirited citizens who desired an abatement of the career of crime in the community. On the twenty-third of December, twenty-four men gathered at this store and took an oath which has come down in Montana history as the Vigilante Oath. The oath is supposed to have been drawn up and administered by John S. Lott. About forty years later he furnished the State Historical Society with what purported to be a copy of this oath. The copy of the oath and the names of the signers are as follows:

> We the undersigned uniting oursel(ves)
> in a party for the laudible purpos
> of arresting thievs & murderers & recove (ring)
> stollen property do pledge ourselvs up(on)
> our sacred honor each to all others &
> solemnly swear that we will reveal n(o)
> secrets violate no laws of right & n(ot)
> desert each other or our standerd of
> justice so help us God as witn(ess)
> our hand & seal this 23 of December
> A D 1863
>
> James Williams, Joseph Hinkley, J. S. Daddow, C. F. Keves, Charles Brown (Dutch Charlie), E(lkanah) Morse, J. H. Balch, W. C. Maxwell, Nelson Kellock, S. J. Ross, Chas. Beehrer, Thomas Baume, Wm. H. Brown, Sr., Jno. Brown, Jr., Enoch Hodson, Hans J. Holst, Hoofen, Alex Gillon, Jr., Wm. Clark, John Triff, A. D. Smith, W. Palmer, L. Seebold, M. S. Varder.[7]

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[7] It will be observed that the above copy of the oath follows the original spelling. This was copied directly from a photograph of the original in the

Although the evidence is contradictory and somewhat unreliable owing to the fact that no contemporary statement of the matter was made and the great secrecy with which all operations were conducted, it appears that this meeting in the Lott store as above described was but a preliminary organization to one held a day or two later in Virginia City.

In Fox's blue house, which formerly stood where the Masonic Temple stands in Virginia City, twelve men were sworn to the Vigilante oath of the Californians, by a young man who worked in McClurg's store who had formerly been a member of the vigilance committee in California. The oath was taken by James Williams, A. B. Davis, W. F. Sanders, Paris S. Pfouts, John S. Lott, James Fox, Con Weary, Charles S. Bagg, Preston Scott, Elkanah Morse, and Marion Lovell. The meeting had been called by Pfouts and Sanders. Davis, who told the story, said, "When we got there it was suggested that we organize a vigilance committee for self-protection. These men had been interested, and had taken part, in the arrest of Ives and his execution. Williams and Morse told of the arrest and trial of Ives and said it was necessary for a more perfect organization. They explained the arrest of Ives.

Pfouts, who apparently was one of the ring leaders in organizing the protective committee, says: "An oath of secrecy was administered to all and a plan of organization discussed. I and Colonel Sanders were for immediate and decisive action, but no conclusion was definitely arrived at. We continued our meetings and in the course of three or four days the number was increased to about fifty, and all among the best and most reliable citizens of Virginia City, and in the mining camps surrounding it, when they resolved upon the selection of a president or 'chief.' Other engagements prevented me from being present when the election was held, and I was astonished to learn that I had been selected as the head of the committee, with full power to organize and control the whole."

After this organization the members were directed to go to their respective districts and to organize companies, which they did. An executive committee consisting of the captains and lieutenants of the companies met at Virginia City to elect general officers. Pfouts was elected president, James Williams was made chief executive officer, and Wilbur F. Sanders received the office of official prosecutor, which he had earned with such risk to himself in the prosecution of George Ives. John S. Lott was chosen treasurer.

The Vigilantes eventually became a large organization. At first all classes joined in the movement. While Pfouts and Sanders were prominent Masons, Williams did not belong to any fraternal organization. Among the men who took an active part in the field work of running down desperadoes were the following well known Masons: Neil Howie, bravest of the brave; John X. Beidler,

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State Historical Library. The signatures, however, follow the spelling as deciphered by Dimsdale's editor and printed on page 280 of Dimsdale's work. The signatures themselves are very difficult to decipher. The oath as taken at Bannack and Virginia City has never been printed as such and it is not known what form of obligation bound together the Vigilantes of those camps.

Thomas Baume, Charles S. Bagg, Robert Hereford and John S. Lott. Others, whose fraternal affiliations are not known, who deserve a prominent place on the roll of Vigilante honor, according to Judge Lew L. Callaway,[8] who has given this matter a most careful investigation, were: "John Featherstun, Charles Brown, Charles Beehrer, Elkanah Morse and Richard McLaren. Charles Brown, according to Beehrer, did not go under his real name; he was in fact a German nobleman. Whatever his name was he was one of the most daring and effective of all the Vigilantes. Doubtless there were many others who are entitled to recognition. The names of many are lost irretrievably."

John S. Lott is responsible for the statement that the vigilance committee did not use any single form of obligatory oath but that each captain administered to the men he recruited such an oath as he saw fit. Practically no contemporary material concerning this organization has been preserved except the treasurer's record kept by the Lott brothers, which is now (1928) in possession of a woman at Virginia City.

The Dimsdale story omitted by request of the actors themselves the names of the Vigilantes. During the first few weeks of the organization everyone was sympathetic but it was not long until the Vigilantes were being called stranglers, law breakers and outlaws by many good people. The members of the organization were sensitive to this criticism and were anxious that their individual part in the execution of the criminals might fade from the memory of men. Some doubtless feared that the innumerable threats of secret assassination against them might be fulfilled.

Having thus organized, the twenty-four men above named, together with John S. Lott, who appears to have been one of their number but for some unknown reason did not sign the agreement, left Nevada City in great secrecy with the intention of capturing some of the accomplices of Ives. They were particularly anxious to get Carter, Yeager, Stinson and Ray. As the posse was engaged in this enterprise the cold became very intense so that their horses would not remain tied during the night. Their provisions ran short and the discouragement of failing to find their quarry persuaded them to relinquish their search. But before they could regain their headquarters they were fortunate in locating two of the men they sought; Erastus Yeager and George Brown. Before being hanged, Yeager, who was commonly known as "Red" on account of his red hair and whiskers, made a full confession. In this he implicated Henry Plummer as chief with Bill Bunton next in command of the Road Agents. In addition to these he mentioned twenty-four other men who were actively or indirectly concerned in the commission of crime.

For the hanging of these two criminals slight preparation was required. A lantern and some stools were brought from the house of Lorraine's ranch and a tree was prepared as a gallows by lopping off a few of the lower branches. Yeager was cool but Brown sobbed and cried for mercy, praying God to take care of his wife and family in Minnesota. His partner in crime overhearing him, said sadly, "Brown, if you had thought of this three years ago you would not be here now to give these boys this trouble." Brown died with a prayer on his lips.

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[8] Llewellyn Link Callaway, born December 15, 1868, at Tuscola, Illinois, the author of the best treatment in print on the subject of Vigilante Organization, published in the *Montana Mason* January 1928, Chief Justice of Montana since 1922, is Past Grand Master of Masons in Montana. His complete biography is to be found in another portion of this work. See Index.

Yeager saw his comrade drop but showed no sign of fear. He asked that the party would chain him and carry him along with them that he might see the rest of Plummer's gang hanged, but this was taking too much of a chance. Before the stool was kicked from under his feet he shook hands with all of his captors and begged them to be sure to punish the rest of the gang. His last words were: "Good-by boys, God bless you, you are on a good undertaking."

A label was fastened to the back of his coat bearing the inscription: "Red, Road Agent and messenger;" and on Brown's back the legend read, "Brown, corresponding secretary." The bodies remained suspended for some days before they were cut down and buried.

The Capture of Dutch John Wagner

Among the men who were badly wanted by the Vigilantes was Dutch John Wagner. He had been advised by Plummer to leave the Territory at once. Having no means of transportation he had attempted to steal a horse but was detected in so doing. At that time he was not hanged for horse stealing as he should have been but was merely relieved of his saddle and revolver and told to leave the country, his captors furnishing him an old mule and a blanket.

In company with a Bannack Indian he had been seen on the Salt Lake road leaving the Territory. Now that the Vigilance Committee wanted Wagner, Neil Howie, one of the bravest of their number, was informed of the whereabouts of this fugitive from justice and Howie endeavored to get the aid of a few men to capture Dutch John.

Being unable, however, to secure this aid, Howie determined to arrest the robber single-handed. Seeing Dutch John on the road ahead of him, Howie called out, "Hello,[9] Cap, hold on a minute." Wagner wheeled his horse half round, and Neil, fixing his eyes upon him, walked straight toward him with empty hands. His trusty revolver hung at his belt, however, and those who have seen the machine-like regularity and instantaneous motion with which Howie draws and cocks a revolver, as well as the rapidity and accuracy of his shooting, well know that few men, if any, have odds against him in an encounter with firearms. Still, not one man in a thousand would, at a range of thirty yards, walk up to a renowned desperado, sitting quietly with a loaded rifle in his hand, and well knowing the errand of his pursuer. Yet this gallant fellow never faltered. At twenty yards their eyes met, and the gleam of anger, hate, and desperation that shot from those of Dutch John spoke volumes. He also slewed round his rifle, with the barrel in his left hand and his right on the small of the stock. Howie looked him straight down, and, as Wagner made the motion

[9] Dimsdale, *Vigilantes of Montana*, 104.

with his rifle, his hand mechanically sought his belt. No further demonstration being made, he continued his progress, which he had never checked, till he arrived within a few steps of the Dutchman, and there read perplexity, hesitation, anger, and despair in his fiery glances. Those resolved and unswerving gray eyes seemed to fascinate Wagner. Five paces separated them, and the twitching of Wagner's muscles showed that it was touch and go, sink or swim. Four! three! two! one! Fire flashes from John's eyes. He is awake at last; but it is too late. Neil has passed the butt of his rifle, and in tones quiet but carrying authority with them he broke the silence with the order, 'Give me your gun and get off your mule.' A start and a shudder ran through Wagner's frame like an electric shock. He complied, however, and expressed his willingness to go with Neil, both then and several times afterward, adding that he need fear nothing from him.

"Let it not be imagined that this man was any ordinary felon, or one easy to capture. He stood upward of six feet high; was well and most powerfully built, being immensely strong, active, and both coolly and ferociously brave. His swarthy visage, determined looking jaw and high cheekbones were topped off with a pair of dark eyes, whose deadly glare few could face without shrinking. Added to this, he knew his fate if he were caught. He traveled with a rifle in his hand, and a heart of stone, a will of iron and the frame of a Hercules. It might also be said, with a rope around his neck. For cool daring and self-reliant courage, the single-handed capture of Dutch John, by Neil Howie, has always appeared to our judgment as the most remarkable action of this campaign against crime. Had he met him and taken him alone, it would have been a most heroic venture of life for the public good; but to see scores of able-bodied and well-armed men refusing to even assist in the deed, and then—single-handed—to perform the service from which they shrank from bodily fear of the consequences, was an action at once noble and self-denying in the highest sense. Physical courage we share with the brutes; moral courage is the stature of manhood."

The prisoner was brought to the camp fire of a wagon train and identified as the robber wanted. Howie took his prisoner to Dry Creek and there found John Featherstun. The two of them, after some difficulties, brought their man safely to Bannack. There were at this time no Vigilantes organized at Bannack but four of the committee were even then in the saddle coming from Virginia City with full power to act in the matter. On January 11, the day after Plummer, Ray and Stinson were hanged, Dutch Wagner swung at Bannack.

The Capture of Plummer

The four men from Virginia City had set out from Bannack with the intention of arresting and hanging Plummer, Stinson and Ray. At Bannack they secured the assistance of other men interested in the extermination of the Road Agents and three groups were organized, each one intended for the capture of one of the men. The night was very cold and the hard packed snow sounded clearly under the slightest footfall. The cabin of W. F.

Sanders was separated from that of Plummer by a small space black with shadows. In the Sanders cabin the wife, alone except for a maid and two small children, anxiously awaited the return of her husband. Mr. Sanders had left without answering her nervous questioning on some unknown errand and she knew that some dangerous deed was meditated. As the night wore on she heard low voices between the two cabins. In the darkness she made out the muzzle of a gun and but one thought was hers, namely, that there were men outside lying in wait to murder her husband as he returned to his home. She was aware that threats had been made against him, and that he had incurred the enmity of desperate men. She extinguished her candles, and waited in terror to see what might happen. Presently her terrible suspense was relieved by her observation that the men outside were surrounding Henry Plummer's cabin.

A few moments later the door of Plummer's cabin was forced open and the room was filled with armed men. Plummer lying unarmed was seized and marched away without a shot having been fired. Stinson was arrested in Toland's cabin and Ray was taken while sleeping upon a gambling table in a saloon. The three men were escorted to a scaffold which had been erected the previous season by Plummer, who as sheriff had hanged thereon a John Horan convicted of the murder of Keeley. The gallows was a rough structure, merely a frame of three small pine trees.

By a curious anomaly the leader of the gang which had terrified the region, who had in cold blood murdered several men and had planned the robbery and murder of others, was the one loudest in appeals for mercy. Recognizing his neighbor Sanders as the leader of the crowd which sought his life, he begged most piteously and sought to persuade his captors of his innocence.

"It is useless," replied Sanders, "for you to beg for your life. That affair is settled and cannot be altered. You are to be hanged. You cannot feel harder about it than I do but I cannot help it, if I would."

"Do not answer me so," persisted the now humbled and abject suppliant, "but do with me anything else you please. Cut off my ears, and cut out my tongue, and strip me naked this freezing night, and let me go. I beg you to spare my life. I want to live for my wife—my poor, absent wife. I wish to see my sister-in-law. I want time to settle my business affairs. Oh God, I am too wicked to die. I cannot go blood-stained and unforgiven into the presence of the Eternal. Only spare me and I will leave the country forever."[10]

In a few moments Ned Ray was suspended from the crossbeam.

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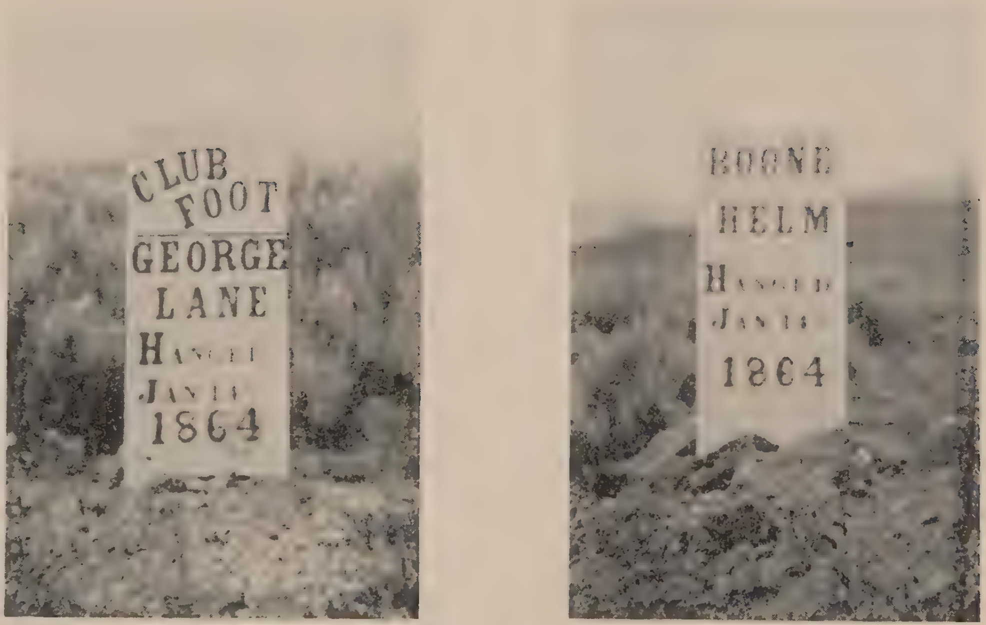
[10] The conversation given above is quoted from Langford, *Vigilante Days and Ways* II, 166. Langford was not a member of the party and it is entirely possible that this conversation as above recorded is not authentic. According to Dimsdale, *op. cit.* 42, Langford left for the States by way of Salt Lake City on November 14, 1863. Dimsdale himself at the time was teaching in Virginia City, and hence was probably not an eyewitness. He had, however, opportunity of knowing exactly what happened during the later executions at Virginia City. Dimsdale wrote his book in 1865; Langford wrote his in 1890. It is extremely unfortunate that a fire denied us the story of Maguire.


CLUB FOOT
GEORGE
LANE
1864
BOONE
HELM
1864

GRAVES OF TWO EARLY DAY HIGHWAYMEN

Buck Stinson was hanged next, and last came Plummer. Although the weather was intensely cold, the Vigilantes kept guard over the scaffold until completely satisfied that the criminals were entirely dead. The remains were promptly buried by friends of the deceased. Francis M. Thompson paid G. D. French $42.50 for making a coffin and burying Plummer. Thus on Sunday, January 10, 1864, perished the head of the Road Agents with two of his fellows.

Plummer's followers immediately took the broad hint to leave the country as soon as possible. A marked change in the tone of public sentiment was immediately noticeable in favor of law and order. Men who before the hanging of Plummer had feared to take sides in support of public order were now more willing to support the efforts of those who would sacrifice all if need be to destroy the criminal element in the new community. And, on the other hand, criminals who had looked to Plummer for protection and guidance now had little hope that their lesser intellects would do for them what the brilliant mind of Plummer had failed to do for its possessor.

The Vigilantes were now fully determined to execute every member of Plummer's band who upon fair trial should be convicted of robbery or murder. In addition to this they intended to punish lesser rascals and to act as a police organization until such time as a competent constabulary and judiciary should be established in the region. There were many suspicious characters prowling about the gulches, engaged in the frequent commission of crime, though not members of Plummer's band. the country was full of horse and cattle thieves. By prompt and severe punishment the Committee hoped to convince all evil-doers that the laws and privileges of civilized communities were not to be transgressed with impunity.

Having ascertained that six of the robbers had not yet left Virginia City the executive committee of the Vigilantes determined to effect their immediate arrest. On the evening of the thirteenth of January the Vigilantes assembled in sufficient force to surround the camp and placed a guard closely around it. No one was to be permitted to leave after the line was established, but Bill Hunter, one of the six whose capture was intended, suspected the plot and crawled through a drain ditch beyond the pickets.

The morning broke cold and cloudy revealing to the citizens their beseiged condition. Five hundred men with guns on shoulder were marching through the snow on the surrounding hills keeping watch over every possible means of egress from the little town. Soon the Vigilantes from Nevada, Junction, Summit, Pine Grove, and Highland marched into town and formed in a body on Main Street. Committees were then dispatched to arrest the criminals known to be in the camp.

The first one brought in was Frank Parish, who readily confessed to highway robbery, and to horse and cattle stealing. Upon this confession he was condemned to hang. George Lane, known as Club Foot George, was next brought in and condemned to death.

Boone Helm was then arraigned. He refused to admit any guilt and offered to swear his innocence on the Bible. Desirous of testing the degree of depravity of this wretched criminal, his questioners handed him a Bible. With the utmost solemnity he repeated his denial, invoking the most terrible penalties upon his soul and in testimony of his truthfulness kissed the book impressively when he had finished. This perjury only confirmed the committee in its determination to proceed with the execution of so hardened a criminal. Glancing around in hope of sympathy Helm motioned to one of the persons standing there and asked, "Can I see you alone for a few minutes?" Supposing that Helm wanted to obtain spiritual counsel, the man replied, "I will send for a clergyman," but this offer Helm refused. The two stepped into an inner room and Helm inquired if there were no way of his escaping punishment. Upon being assured that there was none, and that his death was certain he admitted having committed two murders, but refused further information concerning the band and referred this questioner to Jack Gallagher, who had just been brought in. For one of the murders which he here admitted, that of Littlebury Shoot, he had been convicted by due process of Kentucky law. Feigning insanity he had been committed to an asylum and had escaped by appearing to be inoffensive and thus securing an undue measure of liberty. He was suspected of killing two Gentiles at Salt Lake City; and he was known to have killed, in 1862, at Florence, a miner known as "Dutch Fred." Upon two different occasions he professed cannibalism, it is said.

Hayes Lyons, the last of the culprits, was brought in a few hours later.

These brief trials having been completed, preparations were now made for the execution of the convicts. The center crossbeam of an unfinished log store was selected for the gallows. The building was still roofless and its large open front revealed its interior to the view of the large crowd now pressing around it. Five ropes were drawn across the beam to a proper length and fastened firmly to logs below. Under each noose was placed a large, empty dry-goods box with a cord attached to serve as a drop. The prisoners were soon bound, the nooses adjusted, and the boxes which supported them withdrawn. And thus died on January 14, 1864, at Virginia City five more of the gang which had terrorized the mining camps.

Having disposed of the highwaymen in Virginia City, James Williams, executive of the Vigilantes, determined to pursue some others who had fled to Hell Gate, in spite of the deep snows which made travel next to impossible. A posse of twenty-one left on January 15, 1864, intending to arrest and execute as many as possible of the marauders.

A patrol was sent to Clark's ranch in pursuit of Steve Marshland, who was wanted for participating in the robbery of Forbes' wagon train. He was arrested without difficulty and hanged on the sixteenth of January. Three days later, at Cottonwood, now known as Deer Lodge, William Bunton was found and hanged.

Going on to Hell Gate, the posse found several other men whom they wanted. Here was Cyrus Skinner, an unusually handsome man, "as pretty as a woman," who had planned the death of Magruder; Aleck Carter, who was an accomplice of the murder of Nicholas Tiebalt; Robert Zachary, who had participated in the robbery of Southmayd; and George Shears. Williams and two others went on over to Port Owen to pick up Whisky Bill Graves, wanted on several charges. Whisky Bill was armed and on the watch for the vigilance committee, but snow-blindness hindered his vision sufficiently to prevent his escaping.

When Aleck Carter was arrested he had just shot John Cooper in a drunken brawl. Carter was running around with a pistol in each hand shouting that he had just killed the Little Chief (for Cooper was second in command to Plummer) and now he was the Big Chief. Being afraid that Cooper would die that night, the posse proceeded to hang their prisoners that evening.

There had been a reign of terror at Hell Gate owing to the presence of these robbers, who did as they pleased and took what they wanted without "any let or hindrance." A Colt's revolver was an eloquent and effective means of persuasion in the hands of one of these desperadoes. Thus, the "neck-tie party" at Hell Gate on January 25, 1864, when Cyrus Skinner, Alexander Carter, John Cooper and Robert Zachary paid the penalty of their numerous crimes, was a cause of great rejoicing in the little town on the banks of the Missoula. George Shears had been hanged the preceding day; and Whisky Bill was hanged at Fort Owen on the twenty-sixth.

Having completed their work, the tired party made their way up the Deer Lodge Valley and across to Nevada.

Above all others in the honors due to individual members of the Vigilantes must ever rank Capt. James Williams. The title was a courtesy title derived from his services as a leader of the wagon train in which he came from Denver. He mined for three years in Colorado, but in Montana he devoted himself to other occupations. In June, 1863, he followed the stampede to Virginia City from Bannack. In Alder Gulch he built several 16 by 20 log cabins with dirt roof and floor, which sold for two hundred and fifty dollars. Then he ran a pack train from Elk City to Virginia City, charging one dollar a pound for freight. He formed a partnership with John Martin and sent a four-mule team from Fort Benton to Salt Lake City. In the spring of 1864 he bought out Martin and formed a partnership with his brother John. Together they traded in horses and operated a large ranch in the Ruby Valley. Here Williams' seven children were born to him by his wife, Elizabeth Ledford, to whom he was married in 1866. After his death, February 23, 1887, his brother John prepared the following memoir of him:[11] "James Williams was born in Westmoreland County, Pennsylvania, January 21, 1836.[12] His grandparents on the father's side were Welsh; on the mother's side they were natives of Ireland. His parents were Presbyterians and very strict in their religious ideas. He was raised on a farm. Whatever education he had he acquired at the common schools. At the age of seventeen he moved to Toledo, Ohio, where he spent two years. He then returned home. in the spring of 1857, he moved to Kansas. Here he took an active part in all the troubulous times of 1857 and 1858. He went through many exciting and many seemingly desperate adventures. He was what was called in them days a freestate man. If ever he had any personal fear he never showed it by words or actions. As far as he was personally concerned, he always objected to carrying arms. He was a good judge of human nature. If he got a chance to study a man for a short time he seemed to know all about him. As a leader of men, he always studied the situation well before issuing an order. After an order was issued he seldom or never changed it. He would make no explanation of why the order was made. He seemed to have no trouble in having his orders carried out. In 1859 he moved to Colorado. His was the first party to arrive from the East at the mouth of Cherry Creek where Denver now is. This was the beginning of the 'Great Pike's Peak or Bust' stampede. The first year he was in Colorado he was in the lumber business. He afterward mined two years. After his mines were worked out, in 1861, as an experiment he located a large ranch, in company with three other men. This they planted in corn. They raised abundant crops. About this time the gold excitement in Idaho and Montana broke out. He then sold out and in the spring of 1863 he started for Montana, where he arrived in June and located in Nevada. Here he went into the livery business. He also was in the livery business in Virginia City afterwards. When he quit this he went into stock business—horses and cattle. He married in 1866 and afterwards raised a family of seven children.

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[11] This is published by the courtesy of Llewellyn L. Callaway, Chief Justice of Montana.

[12] The biographical sketch published in the Leeson History of Montana in 1885, presumably written by James Williams himself, gives us the date of birth as 9 January, 1834.

"The man who was leader of the Vigilantes of Montana was a true leader of men. He excelled as an organizer and his control of turbulent men was perfect. He was a correct example of the more efficient pioneers of Montana owing to the careful planning of this man against coming events. The Montana vigilance committee was irresistible. Absolutely fearless, he was at no time arrogant. He was a kindly father and an honorable gentleman and his name was plain James Williams."

Neil Howie was one of the subordinates of Williams in the work of the protective organization who deserves special mention. Those who knew him best spoke of his great bravery. Dimsdale, as editor of the Montana Post, said of him under date of September 30, 1865: "By far the most important document ever laid on the table of the County Commissioners of Madison, is the written resignation of Neil Howie, our late sheriff. No better officer ever maintained order, or confronted danger in the Western country. During the period of anarchy, lawlessness and personal peril, which attended the settlement of Montana, Neil Howie was on hand, by day and by night, cool as an icicle, and firm as a rock. In matters financial, no suitor can point to a single instance in which the worthy subject of this notice was not ready to sacrifice all considerations of personal interest, for the sake of doing a kind action. If we know the meaning of the word gentleman, then Neil Howie is entitled to that appellation. J. X. Beidler, we presume, will likewise resign his deputyship. 'Damon and Pythias' side by side, in dangers of all kinds, their names must be held in reverence by every good citizen and friend of law and order, in the Territory. We hope that a liberal share of the gold in our mountains will find its way to their sacks. Sheriff or deputy, not a cent was wrung by either of them from the poor, the needy, or the dependent. It is a rare but veracious tribute to their merits."

Beidler was another interesting character whose part in the Vigilante organization has been better advertised than that of any other of the Vigilantes. Helen Fitzgerald Sanders spoke of him in her *History of Montana* as one "who probably took a more active part in the capture of a greater number of murderers and Road Agents than any individual of the intrepid band." Judge Lyman E. Munson said of him and his associates, "No braver officer ever lived than U. S. Marshal George N. Pinney and his deputies Neil Howie, John Featherstun and J. X. Beidler and it gives one personal pleasure to accord to them the merit of having contributed largely to the establishment of order and good government over the disordered elements of the territory.

Col. A. K. McClure, who visited Montana in 1867, having known Beidler in Chambersburg, Pennsylvania, was pleased to discover his activities in the Vigilante organization. McClure, a newspaper man, wrote back East, "of the many brave men who inaugurated and openly sustained this movement no one can justly be awarded exclusive praise but there is one who figures as conspicuously in the history of the Vigilantes as did Plummer in the reign of terror * * * John X. Beidler. Although he had obtained his majority he was scarcely five feet six inches in height and far below the average of men in physical power. * * * This diminutive man without family or property to defend had himself arrested scores of the most powerful villains and an equal number under the direction of that wonderful dreaded unseen power that surrounded the hasty scaffold."

It is to be observed, however, that none of these panegyrists speak of Beidler as a leader, but only as the faithful executive of the plans made by Williams. The honor of having directed the Vigilante organization was shared by Captain James Williams, who was the first signer of the Nevada City compact, and Wilbur Fisk Sanders, who was one of the leading figures at Virginia City, and largely responsible for keeping up the morale.

We observed above that one of the desperadoes named Bill Hunter had escaped from Virginia City when five of his fellows in crime had been brought to a sudden end by a speedy but somewhat partial justice. The outlaw's pursuit continued, and, left without the assistance of his fellow criminals, he skulked about like a hunted beast, hiding wherever shelter could be found. At last, driven by a severe snow storm to seek shelter in a cabin, he was captured near the mouth of the Gallatin River, about the site of the present Manhattan, by a party of Vigilantes who had come from Virginia City seeking him. He was hanged from a tree near the scene of his capture February 3, 1864.

The Hanging of Slade

The work of the Vigilantes was nearly done. Most of the "bad men" had found it convenient to leave for other parts, but there was one who remained in Virginia City known as J. A. Slade. Prior to his coming to Montana, Slade had been connected with the Overland Stage Company. He had come west a fugitive from justice in Illinois, where he had killed a man in a quarrel. He had not been long in the West when he became involved in a quarrel with Jules, the station keeper at Julesburg on the South Platte. Jules himself was a lawless and tyrannical man, very difficult to associate with and not as honest as he might have been. After an altercation, Jules fired a gun loaded with buck-shot at Slade, who was unarmed at the time, and wounded him severely. At his death, many years later, Slade carried several of those buckshot in his body. Jules left the place and in his travels made constant threats that he would kill Slade if he could ever meet him again, and Slade himself was not at all backward in reciprocating these promises.

Shortly after Slade recovered from his wounds a friend informed him where Jules might be located. Following this clue, he found his enemy and, after tying him, shot him to death by degrees. He also cut off his ears and carried them in his vest pocket for a long time, frequently exhibiting them, so that the story became widely known.

Another version of this story, never before published so far as the present author is aware, runs that Slade had offered a reward of five hundred dollars for Jules alive. He desired the pleasure of killing him for himself. Two of Slade's retainers went after Jules but killed him in the capture. They brought his corpse into the corral and tied it to the center post. When Slade refused the promised reward on the basis that Jules was already dead, they assured him that Jules was hurt, but only "playing possum." Thereupon Slade, to prove his assertion, cut off the ears. This version came from one of the men who captured Jules.

Stories of his hanging men, and of uncounted assaults, shootings, and stabbings in which he was the principal actor formed part of the legends of the stage lines. Nevertheless, he was a very well liked man in the circle of his friends and among these no man dared to anything uncomplimentary concerning Slade. During his sojourn in Montana when not intoxicated he was a kind husband, a hospitable host and a courteous gentleman.

When Slade was intoxicated, however, his violence knew no bounds. Dimsdale, a contemporary, said of him, "On returning from Milk River he became more and more addicted to drinking; until at last it was a common feat for him and his friends to 'take the town.' He and a couple of his dependents might often be seen on one horse, galloping through the streets shouting and yelling, firing revolvers, etc. On many occasions he would ride his horse into the stores, break up bars, toss the scales out of doors, and use most insulting language to parties present. Just previous to the day of his arrest he had given a fearful beating to one of his followers; but such was his influence over him that the man wept bitterly at the gallows and begged for his life with all his power. It had become quite common when Slade was on a spree for the shopkeepers and citizens to close the stores and put out all the lights; being fearful of some outrage at his hands. One store in Nevada he never ventured to enter—that of the Lott Brothers—as they had taken care to let him know that any attempt of the kind would be followed by his sudden death, and, though he often rode down there, threatening to break in and raise ———, yet he never attempted to carry his threat into execution. For his wanton destruction of goods and furniture he was always ready to pay when sober, if he had any money; but there were not a few who regarded payment as small satisfaction for the outrage, and these men were his personal enemies."

A few weeks after the activities of Plummer's band were halted by the noose, a provisional court was organized in Virginia City to dispense justice according to the accustomed legal practice of well-settled communities. Slade was frequently arrested on writs of this court and had treated it with respect by paying several fines and promising to pay others when he had money. He was very improvident and heavily in debt.

One night when Slade was in his cups he went to a theatrical performance given by Miss Kate Harpe. Shows were infrequent in this frontier town and the theater was crowded with miners, merchants, freighters and their wives, daughters, and sweethearts. During the play, Miss Harpe came on the stage to present a ballet and as she commenced Slade ordered her in a loud and vulgar voice to remove her costume. This disgusted the audience and they began to leave, for men with their wives and daughters could not remain. The show ended in this abrupt manner.

The next morning Slade was still running wild. J. M. Fox, the sheriff, met him, arrested him, and took him into court. Here Fox began reading by way of arraignment the warrant which had been issued for the arrest of Slade. The accused became very angry and, seizing the writ, tore it up, threw the fragments upon the ground, and stamped upon them. Slade was accompanied by armed companions and the sheriff did not see fit to press matters any further at the time, so he succumbed, leaving Slade the master of the situation and the superior of the courts, laws, and lawmakers.

The vigilance committee now felt that the maintenance of social order depended upon the extermination of Slade. A messenger rode down to Nevada Camp to inform the chief citizens what was being done, since it was regarded as desirable that a feeling of unanimity should prevail on the subject of law and order all along the gulch. A company of Nevada men went up to Virginia City and the vigilance committee decided to leave matters in the hands of the entire body of miners for definite action.

Captain James Williams, the executive officer of the committee, decided that instant action must be had. He followed Slade into Pfouts' store and arrested him in the act of threatening Pfouts, Fox and Davis with a pistol in each hand. Williams was backed by a large crowd of miners who were fully in sympathy with Williams' intent.

Slade was taken into the back room of the store begging most piteously for his life. A party was sent to arrange for the execution. Not far distant from Pfouts' and Russell's store building was a corral with high gate posts. Across the top of these they laid a beam to which a rope was fastened and beneath which the usual dry-gods box served for a platform. Here Slade was speedily executed.

In the meantime, some of Slade's friends had rushed to inform his wife of his peril. They were extremely fond of each other. Mrs. Slade possessed many personal attractions, "her figure was queenly and her movements the perfection of grace," wrote one who knew her well. "Her countenance was lit up by a pair of burning black eyes, and her hair, black as a raven's wing, fell in rich curls over her shoulders. She was of powerful organization, and having passed her life upon the borders knew how to use the rifle and revolver, and could perform as many dextrous feats in the saddle as the boldest hunter that roamed the plains. Secure in the affection of her husband, she devoted her life to his interests, and participated in all the joys and sorrows of his checkered career."[13]

Since Mrs. Slade was known by the committee to have been sent for and was momentarily expected at the scene of execution, the committee had wisely ordered some parties to intercept her if she arrived before the hanging lest she cause a very disagreeable scene. Fortunately for the committee, Slade was dead before she arrived and the body had been decently laid out in the Virginia City Hotel. Slade was neatly dressed and prepared for burial. The body was taken to Salt Lake City for interment. Some time after, his widow married James Kiscadden, a prominent citizen of Virginia City.

With the hanging of Slade the work of the Vigilante committee ceased. Like the work of the Ku Klux Klan in the South, the creation of a government in which the people could rely obviated the need for any such extra-legal process as was represented by the vigilance committee. Although the organization of Montana as a Territory was not authorized by the Federal Government until May 26, 1864, the citizens of Alder Gulch were already authorized under the laws of Idaho to establish local government. With the elimination of the desperadoes, this was not a difficult task, and before the Territory of Montana took up the burden of maintaining public order, Alder Gulch was a fairly quiet and law-abiding group of communities.

The Robbery at Port Neuf Canyon

From time to time, as must be expected in every community whether frontier or settled, grave violations of the public order occurred. One of the most spectacular crimes of these early days was the robbery of the treasure coach, a day's drive south of Virginia City at Port Neuf Canyon, Idaho. On July 13, 1865, the coach left Virginia City with seven heavily armed passengers, who expected trouble, and $65,000 in gold.

Port Neuf Canyon had been a favorite haunt of highwaymen ever since stages had begun to run from Salt Lake City into Montana. Here nature seemed to have endowed the place with extraordinary facilities for a scene of robbery; both sides of the river washed high basaltic walls which had been eroded into numerous columns forming coverts and gateways favorable both to the commission of highway robbery and the escape of the criminals.

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[13] Langford, *Vigilante Days and Ways*, II, 311.

Although the owners of the gold had taken every precaution possible to conceal the exact time of their departure, the Opdyke gang of a half dozen highwaymen left Boise, Idaho, and joined an equal number of Montana ruffians in this affair.

The travelers had concealed their treasure partly upon their persons and partly in a carpet-bag carefully stowed away under the back seat. Although they hoped their passage was unknown to highwaymen, they dreaded the journey through Port Neuf Canyon. Before entering this place each man examined his weapon and placed it in a convenient position for quick use. More than half the distance through the canyon had been traveled when a voice from a clump of bushes ordered the driver to halt and at the same moment nine or ten guns covered the passengers. Parker, riding on the box, immediately shouted, "Robbers! Fire on them!" and attempted to suit the action to the word but was killed before he could raise his gun. Three other passengers were killed outright and one seriously wounded escaped by feigning death. One escaped by plunging into the underbrush. The express messenger received a wound which necessitated the amputation of a leg.

The highwaymen rifled the bodies of their victims and, seizing whatever treasure they could find in the coach, made their escape into the mountains. The driver, Frank Williams, unharmed, with his ghastly load of dead and wounded, returned to the station. Large rewards were immediately offered by the stage company both for the arrest of the highwaymen and the recovery of the treasure.

Williams, the coach driver, soon after left the employ of the company and for some time spent money very lavishly in the saloons of Salt Lake City. This practice quickly aroused suspicion and observers were soon satisfied that his money had not been obtained honestly. He was arrested at Godfrey's station a short distance north of Denver and made a full confession, implicating eleven confederates. He admitted that he had driven the coach into the trap for the purpose of aiding the robbery, but he had not expected the resistance of his passengers which resulted in their murder. He was hanged near Denver immediately following this confession. Eventually several others who had been engaged in the robbery were captured and executed, but the larger number escaped.[14]

Several other coach robberies in Port Neuf and vicinity occurred during the stage coach days but in no other instance was human life taken. Attacks upon the inbound coach became so frequent that for each treasure coach the stage company provided a heavy guard. Among the men selected for this duty were two who had evidenced their fearlessness in their participation in the extermination of the Plummer gang, John X. Beidler and John Featherstun.

Complimenting the work of the Vigilantes in a charge to the first grand jury of Montana, Chief Justice Hezekiah L. Hosmer, on

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[14] John Dolan was hanged for this and other crimes near Virginia City 17 September, 1865, and Jem Kelly near Fort Hall. See Dickson, Arthur Jerome, *Covered Wagon Days*, Clark, Cleveland 1929, p. 175.

5 December 1864, said: "Such societies, originating in necessity, have been communities without law, and in which the penalties of the laws were not proportioned to the criminality of the offense. Their adaptation to the necessities of new settlements, has obtained for them an approbation so universal, that they are the first measures resorted to, by well-intentioned men, to free themselves of that vile class of adventurers which infest all unorganized communities for the purposes of fraud, robbery and murder. In no part of our country have they labored more efficiently than here. Nowhere else did they enter upon their duties, amid greater embarrassments. It was questionable, even when they commenced, whether they were numerically equal to the task. The sources of official power had been monopolized by the very class which preyed upon society. The greatest villain of them all—with hands reeking with blood of numerous victims—was the principal ministerial officers of the Territory, and had at his beck a band of wretches who had become hardened in the bloody trade, years before they came here to practice it. In this condition of affairs, there could be but one of two courses to pursue—to hang the offenders or submit to their authority, and give the Territory over to misrule and murder. Happily, the former course prevailed, and the summary punishment visited upon a few frightened the survivors from the Territory, and restored order and safety."

Justice Hosmer went on to say, however, that the Vigilance Committee had fulfilled its work and for them to go further was to commit crime and to undo what had been so well done. Let society give to every man, said the Justice, however aggravated his crime, the full benefit of an impartial trial by jury. Vigilantes, courts and all good men could co-operate in fulfilling the purpose of the law, namely, of bringing an offender to justice, without violating any of its provisions. But the first element in such a warfare against crime was the general recognition of the force of law as the preserver of peace and safety. The temptation to the members of such extra-legal law enforcement committees was to pervert their organization from its legitimate object and to make of it, under the cloak of secrecy, an instrument for the satisfaction of private quarrels rather than private justice.

Opposition to the Vigilance Committee

The following notice posted in Red Mountain City (Highland) about 15 February 1867, plainly showed that the protective organization was undergoing a close scrutiny and some unfavorable criticism. Was it by friends or foes of public order?

> NOTICE!
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> We, now, as a sworn band of law-abiding citizens, do hereby solemnly swear that the first man that is hung by the Vigilantes of this place, we will retaliate five for one, unless it be done in broad daylight, so that all may know what it is for. We are all well satisfied that, in times past, you did do some glorious work, but the time has come when law should be enforced. Old fellow-members, the times is not like it was. We had good men with us; but, now, there

> is a great change. There is not a thief comes to this country but what "rings" himself into the present committee. We know you all. You must not think you can do as you please. We are American citizens, and you shall not drive, and hang, whom you please.
>
> (Signed) FIVE FOR ONE.

The *Montana Post,* commenting on this notice, advised the Vigilantes to disband or expel from their number every unworthy member. "This notice, and other reliable information, indicates that there exist in different localities, secret and sworn leagues to resist the Vigilantes. * * * The assertion that bad men have, in the later days of apathy, worked themselves into it, and hold positions in it, may be true. * * * You will be strengthened by driving out an element of weakness; and, if necessity demands that you should act again, let it be in the broad light of day, in the presence of the people."

Summary of Vigilante Activities

The absence of legal government among the ten thousand miners of Montana and the merchants and freighters who purveyed their necessities demanded some form of extra-legal control. Following the example of miners in Colorado and California, in December, 1863, groups were organized which recognized Paris S. Pfouts as their president, James Williams as their executive or field-commander, Wilbur Fisk Sanders as the prosecutor, and John S. Lott as their treasurer. This organization exterminated organized lawlessness by two dozen hangings. After this work was done, the county peace officers were able, with the aid of the staff of the Territorial Marshal, to maintain public order.

For Further Reading

Langford, Nathanial Pitt, *Vigilante Days and Ways*. J. G. Cupples Company, Boston, 1890. These two volumes contain the reminiscences of an eyewitness to many of the scenes described therein. How much of the material was covered by notes prepared contemporaneously, it is impossible to say. Langford was a thoroughly trustworthy person and there is no reason to question the honesty of his intention to write the history of early Montana as he best knew it. But the thirty-five years which elapsed between the occurrence of the principal events and the publication of the book probably caused many inaccuracies in the account. Still, it is the best we have.

Dimsdale, Thomas Josiah, *The Vigilantes of Montana or Popular Justice in the Rocky Mountains.* This book was first printed serially in the *Montana Post* of Virginia City, in 1865. It was shortly thereafter issued in book form by D. W. Tilton and Company; and has been brought out in several subsequent editions by the State Publishing Company of Helena, Montana. Dimsdale was born near Thirlsby, England, about 1831. He was educated at Rugby and Oxford. He emigrated to Canada, and came to Montana in 1863. Unable to work in the mines owing to his frail physique he made a living by teaching in Virginia City. Tuition was two dollars a week per pupil. In the fall of 1864, Governor Edgerton appointed Dimsdale to the office of Superintendent of Public Instruction. While he was holding this sinecure, the *Montana Post* was established and its proprietors, Tilton and Company, made him editor. He was a man of quick perception, a thorough master of the English language, and an easy descriptive writer. Not only the nature of the editor but also good policy dictated the absence of strong political controversy in the columns of the newspaper, for its buying public was constituted by both Unionists and Secessionists. The publication of *The Vigilantes* was an immense drawing card for the subscription department and the serial helped to increase the circulation quite rapidly. Tuberculosis ended his life September 22, 1866. He was a comumnicant of the Protestant Episcopal Church and read the first service of that church in Virginia City, on Christmas day, 1865. He was a member of Montana Lodge No. 2, A. F. & A. M., and was buried with Masonic ceremony.

McClure, A. K., *Three Thousand Miles Through the Rocky Mountains,* J. B. Lippincott and Company, Philadelphia, 1869. McClure was an eastern newspaper man who traveled through Montana in 1867 and sent back a travelogue published later in book form under this title. He was not an eyewitness to any of the Vigilante doings and when the stories were told to the tenderfoot they were doubtless embellished for his greater gratification. When the Colonel discusses scenes, persons and events with which he personally came in contact his narrative is unsurpassed as a historical source.

Sanders, Helen Fitzgerald, *A History of Montana.* Lewis Publishing Company, 1913. The authoress of this history was a daughter-in-law of Wilbur Fisk Sanders who heard from his own lips prior to his death 8 July, 1905, or eight years before the publication of her history, the story of his participation in the vigorous deeds of the Vigilantes. She also had access to valuable manuscripts prepared by him. This history by Mrs. Sanders has been out of print for many years and is only available in a few public and private libraries.

CHAPTER X

THE ESTABLISHMENT OF THE TERRITORY OF MONTANA

The Naming of Montana

When, in 1858, Senator Douglas of Illinois was about to introduce a bill to create several new territories, he applied to Gen. James W. Denver for a name for one of them. The General suggested "Colorado" but Douglas had already selected that name for the territory to which it was later given. Then Denver suggested "Montana," remarking that it was a Spanish word and meant mountainous country. Perhaps General Denver was aware that many years before, Spanish explorers had given to the whole Rocky Mountain region the name of "Montana del Norte."

Senator Douglas introduced the bills as he had said but they were "pigeon holed" for a time. Soon, however, the movement of population into the Northwest made necessary the establishment of local governments. In 1848, Oregon Territory included all that part of what is now Montana west of the Rocky Mountains, 27,507 square miles. The organization of Washington Territory in 1854 threw Western Montana into that territory, leaving Eastern Montana, 116,269 square miles, in Nebraska Territory. In 1861, Dakota Territory was made to include Eastern Montana and that land then ceased to be Nebraska Territory. On March 3, 1863, a new territory, Idaho, "Gem of the Mountains," was created out of Eastern Washington and Western Dakota, including all of what is now the State of Montana. Thus the town-site of Missoula was respectively in the territories of Oregon, Washington, and Idaho; while the site of Helena once lay in Nebraska, Dakota and Idaho.

Thus, when the gold rush to Bannack started, that site was in Idaho, and under Idaho laws. Sidney Edgerton (1818-1900) of Ohio, had been appointed by President Lincoln to be the Federal chief justice of the Territory of Idaho, and, starting west, was forced by snow to winter at Bannack in 1863-64. In his party was Wilbur Fisk Sanders, his nephew, and their families. The miners of Virginia City and Bannack asked Justice Edgerton to return to Washington and plead for the division of Idaho Territory at the summit of the Bitter Root Range. This he did, and as a result, the Territory of Montana was created.

The President named Justice Edgerton first Governor of Montana, and Hezekiah L. Hosmer, chief justice. Mr. Hosmer had been for three years the secretary of the House committee on territories. When the Senate was debating the organization of Montana, Sumner asked why it should be named Montana, and why not some good Indian name. Senator Howard replied that Montana was from the Latin meaning Mountainous, and hence was appropriate. "You will find that it is used by Livy and some of the other Latin historians, which is no small praise."

The Organic Act Creating Montana

On 26 May, 1864, President Lincoln approved the Act of Congress creating Montana from the eastern Territory of Idaho. After providing for the boundaries (section 1), the act established an executive power consisting of a governor who should hold office for four years unless sooner removed by the President. The governor was made commander-in-chief of the militia and superintendent of Indian affairs. He had the right of pardoning convicted offenders against territorial laws and of reprieving offenders against the Federal laws.

Section three provided a secretary who "in case of the death, removal, resignation, or absence of the governor from the territory," should be "authorized and required to execute and perform all the powers and duties of the governor during such absence or vacancy, or until another governor shall be duly appointed and qualified to fill such vacancy." The importance of these clauses will appear.

The legislative power (section four) consisted of a council of seven and a house of representatives of thirteen. "The number of representatives may be increased by the legislative assembly, from time to time, to twenty-six, in proportion to the increase of qualified voters; and the council, in like manner, to thirteen. The governor was required to take a census prior to the first election to determine representation.

The *Montana Post* of 17 September, 1864, mentioned that Judge Tufts, who had been appointed to take this census had gone to Bannack to report his findings to the governor. "We understand his report shows a population of twenty thousand in the territory." On 22 September, 1864, Edgerton proclaimed an election, to be held 24 October, 1864, of these legislators.

All citizens of the United States, and declarants, who were otherwise qualified as electors of the Territory of Idaho, were entitled to vote and eligible to office (section five).

The Legislature was forbidden to pass any law interfering with the primary disposal of the soil, or to tax Federal property. A two-thirds vote might override the governor's veto, and the governor was allowed only three days in which to consider a bill. Slavery having been forbidden in the territories by Act of Congress 19 June, 1862, no legislation contrary thereto might be allowed.

Until the official of subordinate units of government could be elected, the governor was authorized, by section seven, to appoint them. He was likewise authorized to define the legislative districts (section seven).

No member of the legislative assembly could hold an office created, or the salary of which had been increased, during his term as legislator. No Federal official, except postmasters, could hold any office under the territorial government. (Section eight.)

The judiciary consisted of the chief justice with two associates; and of local justices of the peace. Each of the three justices constituting the Supreme Court of the territory was required to hold a district court for original cases and cases appealed from a justice court. Cases from the territorial Supreme Court could be taken on appeal to the Federal Supreme Court in like manner as from a Federal Circuit Court. (Section nine.) An attorney for the territory, a marshal, and a surveyor general were authorized. (Section ten.) All of these officials, from governor to marshal, were to be presidential appointees confirmed by the Senate. "And any person who has heretofore been appointed chief justice or associate justice of the Territory of Idaho, who has not yet taken the oath of office, as prescribed by the act organizing said territory, may take said oath or affirmation before the chief justice or some associate justice of the Supreme Court of the United States." Thus Governor Edgerton was spared having to take his oath of office before a territorial judge. (Section eleven.)

The seat of government of the territory might have been fixed by Congress and thus much dispute have been saved, but this duty devolved upon the governor, for the first session. Edgerton chose Bannack, by the proclamation of 22 September, 1864. Then, the Legislature could fix the capital; but it having thus been fixed, the capital could only be removed by act of the assembly ratified by a majority of the votes cast on that question by the citizens in a general election. (Section twelve.)

A delegate to the Federal House of Representatives was allowed the citizens of Montana to be elected by them. (Section thirteen.)

Provision for schools in the territory was made by setting apart, when the land should have been surveyed, two square miles in each township, but no safeguard of any kind was furnished. There was no provision that the money derived from the sale of this land should be considered capital rather than income, nor was there any minimum set as to price to be charged. (Section fourteen.)

The organic act permitted the governor, in the first instance, to define judicial districts, but left with the Legislature the power to amend the definitions. (Section fifteen.) All federally appointed officers were required to give security for the moneys handled by them (section sixteen), and provided that Indian affairs should not be disturbed,—"all treaties, laws, and other engagements made by the Government of the United States with the Indian tribes * * * shall be faithfully and rigidly observed." (Section eighteen.)

Organizing the New Government

Upon the organization of Idaho several counties east of the Bitter Roots, uninhabited except by Indians, a few miners and priests, were named. These first counties were: Missoula, Deer Lodge, Dawson, Beaverhead, Madison, Jefferson, Chouteau, and Big Horn. And when Governor Edgerton of Montana established districts for the election of councilmen and representatives in the Legislature he recognized these civil divisions. There were so few American citizens in Dawson and Big Horn that they were joined to Madison County for representation. An election held Monday, October 24, 1864, returned the following as council: Frank M. Thompson and Erasmus D. Leavitt from Beaverhead; Frank L. Worden from Chouteau, Deer Lodge and Missoula; Nathaniel Merriman from Jefferson; Charles S. Bagg, Robert Lawrence, and Anson S. Potter from Madison, Dawson and Big Horn. Thirteen representatives were likewise chosen but with different electoral boundaries. Seventy-five per cent of the vote was cast in Alder Gulch in Madison County. According to Federal law, the governor called the first meeting at Bannack, December 12.

This Legislature by an act approved 2 February, 1865, followed in many respects the county divisions of the Idaho act. An important exception was a combination of Dawson County with Chouteau,[1] dropping the former name and the creation of a new county named Edgerton in honor of the governor.

Missoula County was the extreme western end of the territory. Its eastern boundary was the meridian of 113° 30′ and its southern boundary was the "summit of the Rocky Mountains dividing Deer Lodge Valley from Bitter Root Valley." Deer Lodge County lay east of this, being bounded on the east by the meridian of 112° and its southern boundary meandering with the Big Hole River to 45° 50′ thence along that parallel.

Beaver Head County lay between Deer Lodge County and the southern boundary of the territory west of the 112th meridian. Madison County lay east of Beaver Head. Its legal boundary read: "Commencing at the point where the line of longitude one hundred and eleventh degree crosses the Rocky Mountains, thence due east to the point of the dividing ridge or range between the waters of the Madison and Gallatin rivers, thence along said dividing range to the southern boundary of Beaver Head County," etc.

Jefferson County lay north of Madison County. Its western boundary was the 112th meridian, "the dividing ridge between Prickly Pear and Ten Mile creeks to the foot of the mountains," thence the northern boundary ran "east to the south side of Vermilion Butte on the Missouri River, thence up said Missouri River to the meridian of longitude one hundred and eleven degrees; thence south along said meridian to the place of beginning."

The new County of Edgerton, named for the territorial governor, a county whose name was changed to Lewis and Clark in 1867, lay north of Jefferson County and extended from the Missouri River on the east to the Sun River on the north, being bounded on the west by Deer Lodge County.

Gallatin County was bounded on the north by the 47th parallel, on the east by the 109th meridian, on the south by the territorial boundary, the 45th parallel, and on the west by Edgerton, Jefferson and Madison counties.

Chouteau County lay between the Canada line and the 47th parallel, from the 108th meridian to the 112th, being a perfect rectangle except that on its southwestern corner the angle formed by the Sun River and the Missouri was included in Edgerton County.

All of the eastern portion of the territory formed Big Horn County from the eastern boundaries of Gallatin (109th meridian) and Chouteau (108th meridian). In the fifth session of the Legislature, in 1869, this big area was subdivided and the Idaho County of Dawson restored with the 47th parallel as the dividing line.

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[1] Choteau is the early legal spelling but on a complaint of a member of the family the state legislature corrected the spelling to Chouteau, as it was always spelled by the family, by act of 5 March 1903.

The second session of the Legislature, held March 5, to April 14, 1866, subdivided Gallatin County by an imaginary line drawn east and west through the lower end of Horse Shoe Bend in the Missouri River, and in compliment to the acting governor named the new county Meagher.

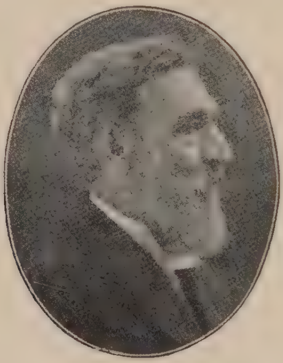
This same session separated territory from Chouteau and Big Horn counties to form Muscleshell. The boundaries were: north, the Missouri River; east 107th meridian; south, the watershed between the Missouri and the Yellowstone; west, the 109th meridian. After Congress had nullified all the laws of this second session, due to the fact that Acting Governor Meagher lacked the authority to call it, these two counties, Meagher and Muscleshell, were recreated by the legal Legislature of 1867 called by Governor Green Clay Smith.

ALL THAT REMAINS OF THE BUILDING WHERE FIRST COURT WAS HELD

This fourth Legislature changed the name of Edgerton County to Lewis and Clark County as has been noted above. The Republican *Helena Weekly Herald* on November 21, 1867, said editorially: "We learn that there is a disposition among some of the members of the Legislature from this county, to change the county name to that of Clark and Lewis, in commemoration of those early explorers. We think it right and proper that these names should be in some such manner preserved in the history of this territory. They undoubtedly were the first white men ever within the country included in the boundaries of Montana. This county would be, in many respects, a desirable one for the purpose mentioned, but we would suggest that the names read Lewis and Clarke, instead of Clark and Lewis—the former being the order in which they stand in their book of travels."

On December 17, 1867, J. W. Rhodes of Silver City introduced an act to change the name to Lewis and Clark (*sic*) County, and a few days later it was passed and approved. Why the change was desired has not passed into history, except that the *Herald* in commenting upon the change being effective, in March, 1869, applauded the change "as our Legislature had determined upon erasing the name of Edgerton."

This Legislature of 1865 established a system of justice. A code of law regulating criminal procedure incorporated a historical society and forbade counterfeiting. Nine private bills governing divorce were passed and then a general divorce law. A hundred private charters were granted for mining companies, ditch companies, railroad, town-site, toll bridge, ferry, and wagonroad companies. Not until the third legislative assembly, 1866, was a general incorporation act passed.



SIDNEY EDGERTON
Governor, June 22, 1864, to
July 12, 1866.

Governor Edgerton vetoed the important legislative apportionment bill which would have given Madison County an overwhelming majority in both chambers on the basis of the vote which had been cast by the citizens. Edgerton knowing this to be a migratory population thought the bill unwise but the Legislature dissolved instead of adjusting the difference of opinion and no assembly was held in 1865.

Frame Work of the Government of Montana

In common with the practice followed in the organization of other territories several of the officials were named by the President of the United States by and with the consent of the Senate, namely, the governer, Sidney Edgerton, on 22 June, 1864; the chief justice, Hezekiah L. Hosmer on 30 June, 1864; the associate justices, Ammi Giddings on 22 June, and L. P. Williston at the same time. Edward B. Neally was named United States attorney on 29 June. The office ranking next to the governor was the secretary of the territory, for which office Gen. Thomas Francis Meagher (pronounced Mahr) was appointed 4 August, 1865. The United States marshal was George S. Pinney, appointed 20 February, 1865. The governor appointed John S. Lott as territorial auditor 8 February, 1865, and at the same time named John J. Hall as territorial treasurer. Thomas J. Dimsdale was named superintendent of public instruction at the same time. The election of October 24, 1864, to select the first members of the council and assembly for the territory elected Samuel McLean, who had run on the Democratic ticket, as delegate to the Federal Congress. When the next vote was taken two years later James M. Cavanaugh, another Democrat, won the election.

Salaries of Officials

Under the Organic Act of Congress approved May 26, 1864, by President Lincoln, the United States treasury was ordered to pay the governor, chief justice and associate justices an annual salary in quarterly installments of twenty-five hundred dollars. The secretary was to receive two thousand dollars. Members of the Legislature were to have four dollars a day for each day of attendance and four dollars allowance for each twenty-five miles travel to and from the sessions. The first session might continue sixty days, but subsequent sessions were limited to forty days. The attorney and marshal were compensated by fees.

The surveyor general was appointed by the President and was responsible to the secretary of the interior. He was to receive the same salary and expense allowance as the surveyor of New Mexico. To this office M. Boyd was appointed.

Thus the Federal Government assumed a part of the expense of governing Montana but the Territorial Legislature had to provide by taxation for the payment of the debts incurred by its own appropriation. In passing any taxation measures it was forbidden by the Federal Government to tax the property of that Government, nor to tax the property of non-residents at a rate higher than that applied to residents. Under these limitations the first Legislature ordered a levy of forty cents on each hundred dollars' worth of property for territorial purposes. All property within Montana was subject to this tax except: Federal, territorial; public property of smaller units of government; public libraries; colleges; schoolhouses and other buildings together with their furniture and equipment used for educational purposes, charitable, benevolent, and religious institutions; the property of widows and orphans not in excess of one thousand dollars value; the tools of mechanics and farmers; also libraries and household furniture of less than one hundred dollars was exempted. The mining tools of miners were exempted up to fifty dollars.

The First Official Directory

In the first issue of the *Montana Post* of Virginia City, 27 August, 1864, the first newspaper to be published in Montana, the following "Official Directory" appeared:

Governor—Sidney Edgerton, Bannack City.
Secretary—H. P. Forsey.
Chief Justice—H. L. Hosmer.

Associate Justice—Ami Giddings.
Associate Justice—L. B. Williston.
Attorney General—E. B. Nealy, Virginia City.
Marshal—C. J. Buck.
Surveyor General—M. Boyd.

To these names, the issue of October 8th added "Auditor, John S. Lott," and "Treasurer, John J. Hull." The issue of October 29th added "Notary Public, John S. Atchison"; December 3rd the item of "Assessor, T. C. Everts," appeared.

The *Post* of February 18, 1865, contained two more offices: School superintendent, J. D. (*sic,* for Thomas Josiah) Dimsdale; and Collector of internal revenue, N. P. Langford. Apropos of these appointments the *Post* editorially remarked under the date line of Saturday, February 25, 1865:

"On the last day of the session (which was 9 February) the Governor sent in to the Legislative Council, the following nominations of territorial officers: Treasurer, J. J. Hull; Auditor, John S. Lott; Superintendent of Public Instruction, T. J. Dimsdale; upon which nominations that body refused to act. Of course it was not essential they should and these gentlemen have, or will have, their commissions."

Without comment the *Post* of 15 July, 1865, printed a new name for the territorial secretary, John T. Coburn. On September 28th Thomas Francis Meagher arrived with a secretary's appointment. Dimsdale welcomed him editorially, September 30th, saying: "We doubt not that the public reception of this evening will be an earnest of the high appreciation in which he is held as a soldier, as a citizen, and as a man. Our new secretary is no partisan. His banner is the Stars and Stripes, under which he has fought for the country, and this he regards as the flag of a nation, and not of a party. * * *"

"Governor Edgerton remarked that he was leaving the territory for a few months," this was at the reception tendered Meagher at Bannack on September 23rd, "and he bade them all a hearty farewell. He had met with a good deal of opposition, and some of it tolerably violent; but it had all been manly, straightforward, and not underhanded, or of such a nature as to create a vindictive feeling in his mind, and he hoped to meet them again as friends."

The Departure of Edgerton

Owing to the fact that the territory had been inadequately provided with funds for the expense of its government, Governor Edgerton, with the assistance of a few other residents, had loaned money to the territory out of their own pockets to pay debts incurred by the new territorial government. In order to reimburse himself and his friends Edgerton found it necessary to return to Washington. Several other reasons for his decision to leave Montana have been advanced. Edgerton was a strong Unionist in a territory where the majority of the citizens were Democratic in political faith. Edgerton himself alleged that he thought it was his duty to return to Ohio to give his children the advantage of school opportunities which did not exist in Montana. Edgerton left Montana with his family in September, 1865, but his resignation as governor was not accepted until July 12, 1866. President Johnson thereupon appointed Gen. Green Clay Smith, a prominent Kentuckian, who had run against Johnson for the vice presidency in the preceding campaign, to succeed Edgerton.

The Bread Riots at Virginia City

The remoteness of the mining camps from the head of navigation on the Missouri River, and from the western terminus of the Pacific Railroad, made even the necessities of life very expensive. A newspaper thirty days old sold for a dollar in gold dust and was literally worn to pieces by being passed from hand to hand. A cat was worth one hundred dollars because there was no other way of exterminating the numerous mice. Even during normal times flour ran from twenty cents to seventy cents a pound.

Some wheat was being raised and ground into flour locally, that is to say, in the Bitter Root Valley. A few farmers scattered in the Prickly Pear Valley and the Gallatin Valley raised food enough for themselves but had no means of transportation to the mines. The roads from these three valleys above named to the mining camps were not wagon roads but trails fit only for pack trains. There were probably less than one hundred white persons in the whole region which is now Montana in 1860, and there can be little doubt that twenty thousand was a conservative estimate of population in 1865. This very rapid increase in population further made it impossible for the region to produce its own flour.

The winter of 1864-65 had been one of remarkably deep snow and cold weather so that by the end of the winter freighting of supplies was almost entirely impossible between Salt Lake and Virginia City. The snow lay so deep on the Snake River divide that the oxen could find no grass, whereas ordinarily these patient beasts were able to forage for themselves throughout the winter. Provisions got scarcer and scarcer in Virginia City; flour was hoarded like gold dust, and many people were reduced to living on a straight meat ration. Potatoes were worth twenty-five cents a pound. Of course this scarcity raised the price of other provisions.

About Washington's birthday, 1865, came the first rapid increase in the price of flour. The price jumped from twenty-five dollars a hundred to forty dollars and kept mounting until the price went to one hundred fifty dollars per hundred. There was no fixed price and the market fluctuated as rumors of abundance or scarcity were heard.

There came a time when flour could not be had for any consideration. There was flour on hand but its owner saw a chance to get rich by cornering the market.

Then the citizens rose in their wrath and organized themselves for a public control of the breadstuff. H. N. Blake was chairman. A flour sack was nailed to a pole as the banner of the marchers who paraded up and down Wallace Street. Some of the rioters had an idea that the uprising meant the sacking of the camp; and began picking up clothing belonging to the merchants remarking at the same time that they would take anything they wanted in town.

The merchants about to be despoiled sent a hasty plea to Neil Howie, a deputy sheriff, for aid. Howie went to the scene of disorder and is reported by an eye-witness to have said, "Gentlemen, this uprising is to get flour and to pay a reasonable price for it. It is not to sack the town. The first man that steals from a store or saloon will be shot or hanged. The same men that fought for law and order a few months ago are prepared to fight for it now." The clothing was dropped and the word was immediately circulated that pilfering would result in death.

Colonel Sanders, the mouthpiece of law and order, and others addressed the crowd advising an orderly search for flour and an equitable distribution.

Searching parties began a desultory search and when more than one sack of flour was found in a house it was confiscated, socialized, or stolen, according as one views the situation. Guards prevented the removal of flour from the town, and two loaded wagons attempted to remove this valuable property to a safer place. Taylor, Thompson and Company, merchants, had a fair supply on hand which they defended with employees heavily armed.

Flour was gathered from all parts of the camp and stored in Leviathan Hall. After all the flour was gathered together a committee allowed the owners thirty-six dollars per hundred, and rationed eighteen pounds to the man. Men with sacks in their hands formed a line to receive their portion but after a few hours the amount was reduced to ten pounds a man, and even then the supply was exhausted before everyone had received his portion.

Evidently the apportionment was conducted in a very disorderly fashion, for a very little mathematics would have informed the committee as to the size of each share. A sack of gold would be handed into the weigher but the rush was so great that no time was taken for accurate weighing. Having to weigh both commodities in exchange, resulted in unfair distribution.

For three days the mob held possession of the town, but the remedy afforded only temporary relief. As the supply became scarcer and scarcer the miners humanely shared their hoarded flour with women and children who were less fortunate, and a great number of men lived for weeks upon beef alone. At last the melting snows relieved the fears of starvation, and in the early spring the coming of flour trains dropped the price to forty dollars.

The Office of School Superintendent

Although neither the Organic Act nor the Legislature had provided for the office of superintendent of public instruction, Governor Edgerton had assumed to appoint Thomas J. Dimsdale thereto. In spite of the kind words of welcome Dimsdale had extended to Meagher the latter saw fit to remove the Englishman from the sinecure, perhaps because the Legislature intended to provide for a salary to be paid for the job. Under date of March 8, 1866, and again under date of March 20, the Acting Governor addressed to the Council a notice of the appointment of Peter Ronan to the office. The Council apparently paid no attention to either notification.

The first read as follows and the second had the same general tenor:

Executive Office
Territory of Montana
Virginia City, March 8, 1866.

To the President of
Your Honorable Body
The Council.
Sir:

I have the honor to inform you that I have appointed Mr. Peter Ronan, of this city as Superintendent of Public Instruction in place of Prof. Thomas J. Dimsdale, relieved (*sic*) for not having sent in to this Office his report, appertaining to his duties and department, as respectfully requested by me some weeks ago.

This appointment is made in conformity to provisions of the Organic Act of the Territory, which require your confirmation of all such appointments.

I have the honor to be,
Most respectfully
Your obt. servant
Thomas Francis Meagher
Acting Governor.

The school office seemed to be under some unlucky spell. Perhaps the believer in "ha'nts" might think that the ghost of its first holder, Dimsdale, who died 22 September, 1866, of tuberculosis, troubled the office. Peter Ronan resigned only a few months after his appointment. Then Alexander H. Barrett, who had been Meagher's secretary, took the job. By this time it was paying a stipend of five hundred dollars a year, since the appointment of Ronan, and its merely nominal duties made the office a pleasant "plum."

A. M. S. Carpenter was appointed by Meagher to the office of superintendent of public instruction, and was confirmed by the Legislative Council on 4 March, 1867. He served until 4 January, 1868, at which time he discovered that he was not going to get any salary. The salary had been voted by the Second Legislature, and, since the court had held that Legislature's acts to have been null and void, the auditor refused to pay any salary. Carpenter sued for writ of mandamus, the Supreme Court told him the salary was unauthorized, and he was forced to wait for his easily earned pay until the Legislature, on 12 January, 1872, relieved the situation by appropriating to him the sum of $241.12.

After Carpenter resigned, a man of school experience in the territory, T. F. Campbell, took the office and held it nearly three years. The further history of the superintendency will be found in the chapter on Education.

Financial Standing

On February 1, 1866, Territorial Auditor John S. Lott made his first report of the financial standing of Montana. From the following table abridged from his report the reader will observe that the population of Montana was contained wholly within the four western counties, so far as taxation was concerned.

Assessments and Collections to December 4, 1865

	Acres of Land Claimed	Value of Improvements	Value of Improvement on Town Lots
Madison	28,283	$ 62,333	$ 306,099
Edgerton	11,181	12,572	144,480
Beaver Head	4,800	5,700	32,012
Gallatin	38,442	47,764	10,457
Total	82,706	$128,369	$493,048

	Number of					
	Oxen	Horses	Cows and Calves	Mules and Asses	Sheep	Swine
Madison	2,644	652	790	342	1,700	180
Edgerton	516	264	279	28	69	20
Beaver Head	272	110	126	43	----	6
Gallatin	893	181	701	51	----	43
Total	4,325	1,207	1,896	464	1,769	249

	Total Property Assessed	Tax Due	Tax Delinquent
Madison	$ 1,506,977	$6,028	$1,215
Edgerton	821,014	3,284	1,299
Beaver Head	162,385	649	203
Gallatin	188,663	754	309
Total	$ 2,679,032	$10,715	$3,026

In addition to the collection of $8,385 property tax ($696 was collected in Deer Lodge County which is not detailed above) there was collected the sum of $19,169 in license taxes; and $1,758 in poll taxes during this year. The total expenditures as shown by warrants issued amounted to $65,177.76 while the revenues amounted to $33,806.

Recreations

The favorite amusements of early Montana appear, from the law of November 21, 1866, forbidding them, to have been the "ten die game, three card monte, three trick rush, thimble rig, Havanna lottery, and black and red," all of which were forbidden to be played under penalty of a fine of ten to one hundred dollars with a possible imprisonment of anytime less than three months. Other amusements of the time, all forbidden only on Sunday, were theatre going, dancing, prize fighting, and racing. That drinking was not unknown, at least among the medical fraternity, was shown by the quaint provision that "if any physician, or other person, while in a state of intoxication, shall prescribe any poisonous drug or medicine to another person, he shall be punished by imprisonment in the county jail not more than one year, or by fine * * * or by both."

In proof of the sporting instincts of the times may be cited the following advertisement which appeared in the Virginia City *Montana Post* of 15 July, 1865:

THOMAS FRANCIS MEAGHER

> "Having heard that Joe Reilley wants to fight, I thought it my duty as a man, to accept his challenge. Now, if Mr. Reilley wants to fight me, I will fight him for five hundred or a thousand dollars a side, according to the rules of the London Prize Ring. The fight to come off in four or five weeks, in the City of Helena, Montana Territory. If Reilley concludes to accept my proposition, he will find two hundred dollars deposited at the Fountain Restaurant, with John Cornell and Billy Nuttall, California Exchange, to be put up as a forfeit. So put up or shut up.
>
> Helena City, July 10, 1865.
>
> Charley Adams.

The Administration of General Meagher

In the meantime, an Irish soldier of fortune, Thomas Francis Meagher (pronounced Mahr), was acting governor by virtue of his position as secretary of the territory while Edgerton was out of the territory. So spectacular a career as his cannot be passed by without some notice, although his importance in Montana history does not justify the space taken by it. Meagher was born in Ireland in 1823. On completing a college education he returned to Ireland and took a prominent part in anti-governmental movements. He was captured by English troops while organizing the Irish peasantry for resistance against English authority, tried for treason and sentenced to death. The sentence was commuted to transportation to the penal colony of Tasmania. From that far-off island he escaped in 1853 and came to the United States, supporting himself in New York City by the practice of law. He assisted in forming, and fought with, the famous Irish Brigade during the Civil war. At the close of the war, in July, 1865, he was sent to Montana as secretary.

Even before Meagher had arrived in Montana the political pot was boiling furiously. Southern sympathizers were in the majority; union officials were in control. (The reader will note that the Republican party which elected Lincoln in 1860 disappeared during the war and was replaced by a party calling itself the Union party, so that Lincoln's reelection in 1864 was at the hands of a different party than that which had elected him.) Edgerton and the justices belonged to a political party which did not represent the majority. In fact, when the Legislature, vexed by Edgerton's actions, changed the name of Edgerton County to that of "Lewis and Clarke" the Union party newspaper, the *Montana Post*, did not dare to offer the slightest protest or to comment unfavorably upon this childish vengeance.

Meagher was soon embroiled in a dispute over the legislative function of the Territory which lasted the rest of his life. His impetuosity led him into trouble but it was not for his own aggrandizement but for the good of the Territory that he took the course which drew the difficulties about him.

A sample of the bitterness of the political feeling into which Meagher stepped may be read between the lines of the appended call for a

> TERRITORIAL CONVENTION
>
> The qualified voters of the Territory of Montana, who yield an unconditional allegiance to the Constitution and Union, and who support the administration in its efforts to preserve and perpetuate the government bequeathed to us by our fathers, are invited to send delegates to a Territorial Convention, to be held at Virginia City, Madison County, on Wednesday, the 5th day of October, 1864, at eleven o'clock A. M., for the purpose of nominating a candidate (*sic*) for Delegate to Congress to be supported at the ensuing election.
>
> The ratio of representation will be as follows:

Madison	County	7
Beaver Head	"	4
Jefferson	"	3
Deer Lodge	"	1
Missoula	"	1
Chouteau	"	1
Dawson	"	1
Yellowstone or Big Horn County		2

The Union party in Montana, deserted by their titular head, the governor, now turned to the justices to lead them in their combat with the acting-governor. Much animosity developed between the two factions and gave rise to a statement from General Meagher that he would have laws so framed that "no judge, whatever his powers or consequence, should dispute or disobey them" and that the enforcement of law would be "with the whole power of the County of Madison, and if need be, with the whole Territory."

The Salary Dispute

The Territory had felt itself belittled by the low salary paid the federally appointed officials, and the First Legislature had voted, out of Territorial funds, a salary equal to that to be paid by the Federal Government, to be paid in addition to the Federal salaries, to the governor and justices. A subsequent Legislature voted that the Territorial salary should not be paid, first proposing that the governor's salary should not be paid while he was absent from the Territory and then voting to repeal the increase entirely.

Justice Williston did not draw the opposition of Meagher's faction as keenly as did Justices Munson and Hosmer. In order to satisfy their dislike against these last two named, the Second Legislature assigned these gentlemen to the circuits of Choteau and Big Horn counties, then almost destitute of white residents but having enough citizens to demand a long and arduous travel among hostile Indians in order to hold the courts required by law in their several districts.

During the legislative session of 1867, the case of Godbe versus McCormick was being tried by Justice Hosmer. A motion for change of venue by the defense was overruled. Thereupon, during a recess of the court, the defendants secured from the Legislature, under suspension of its rules, an act providing that if an affidavit of bias or prejudice of the judge should be made, it became the duty of that officer to transfer the case to another court, without regard to whether the allegation were true or false. This continues to be the law in Montana to this day.

The Legislature requested the resignations of these judges. Both ignored the request, for the Legislature could not appoint them, remove them, nor affect their salary unless it desired to make them the present of an increase.

Justice Giddings, who was named above in the first *Official Directory,* declined to serve and Lyman E. Munson had been named for his place. Munson served from March 11, 1865, to April 5, 1869, when he was succeeded by George G. Symes. Williston was succeeded July 18, 1868, by Hiram Knowles, of Deer Lodge County.

After Montana entered statehood, Judge Knowles became a Federal judge for the Ninth Circuit, District of Montana. Following the term of Chief Justice Hosmer came Henry L. Warren, of Illinois. The subsequent chief justices of Montana have been: Decius S. Wade, commissioned 17 March, 1871; Newton N. McConnell, 2 May, 1887; Henry N. Blake, March, 1889; William Y. Pemberton, 2 January, 1893; Theodore Brantley, 2 January, 1889; Llewellyn L. Callaway, 28 September, 1922.

The Legislative Confusion

The Organic Act had provided a means of calling the first Legislature and had stipulated that that body should enact provisions for the creation of a second. The first Legislature passed a law which was vetoed by the governor because he thought the apportionment to be unfair. Madison County had seventy-five per cent of the population at the time of the census and the Legislature apportioned accordingly, not taking into consideration the movement to Last Chance Gulch (Helena). The Legislature failed to re-pass the bill over his veto.

Acting Governor Meagher publicly announced on 15 December, 1865, that the old Legislature had expired, saying,

> It is clearly my conviction that the Legislature functions of the territory have temporarily lapsed. To revive these functions, I am as clearly of opinion that an Enabling Act of Congress, empowering the governor to re-district the territory, apportion the representatives and convene them for business, is essentially required, and that no other proceding can legitimately restore them, strange and embarrassing as the circumstances are in which their suspension places us. It is true, I might take upon myself the responsibility of ordering a new election * * * but this is a responsibility which I cannot persuade myself it would be just, safe, or proper for me to assume, nor have I any good reason to expect that the proceeding would be declared valid and approved. (*sic*). * * *
>
> That a Legislature—properly and thoroughly representing the people of the territory—honestly, wisely, jealously devoting itself to the care of the interests of the territory, the encouragement of its labors, the regulation of its municipal affairs, the consolidation of order as well as the spread of business, the opening out of the country, the construction and freedom of the roads, the reduction of taxation, the greater protection of the miner, the greater protection of the farmer, the greater protection of the freighter, the foundation of public charities, the generous strengthening and guardianship, in every way, of a young community—that a Legislature, thus constituted and thus employed would prove a blessing to Montana and that it should be hastened into action, I am prompt to assert and heartily prepared to insist. Show me today that

I have the right and power to convene such a Legislature, and it shall be convened forthwith.

Nor am I the less heartily prepared, gentlemen, to cooperate with you in the adoption of such steps, in the furtherance of such measures, in the perfecting of such ways and means, as will most speedily conduce to the admission of our territory into that noble sisterhood of states which in its indestructible unity includes us all, and everyone of us, in the one country, the one destiny, the one life, the one great nationality and power. Call a meeting tomorrow for this purpose—call it to entreat from Congress extraordinary facilities, if you choose, for admission—and I shall be with you heart and soul—for as I have chosen Montana as my home, no proceeding that looks to its advancement, to its greater happiness, to its greater honor, shall find me absent, silent, or inactive.

I have the honor to be, gentlemen,
Most faithfully yours ob't serv't,
Thomas Francis Meagher,
Acting Governor, Montana Territory.

The *Montana Post*
Saturday, December 23, 1865.

Close upon the heels of this disclaimer of authority came an agitation for statehood. The territory was in an uncomfortable position; funds were not at hand to pay the legitimate debts, for the Delegate had not secured the necessary appropriation to cover the Federal share of the expenses; the increase of population made further legislation desirable; and no authority existed in the territory to call a new Legislature. The Democrats favored the movement but the Unionists opposed it.

Under date of 19 January, 1866, the acting governor called for the election of delegates to a constitutional convention; the election, on Wednesday, February 7, to select ten delegates each from Madison, Edgerton, and Deer Lodge counties and five each from Beaver Head, Gallatin, Jefferson, Missoula, and Choteau; the representatives thus chosen to assemble at Helena, on Thursday, March first.

Before either the election or assembly could take place, General Meagher had an unfortunate reversal of opinion. At the beginning of February he announced:

"Whereas, it has been shown me that under the eleventh section of the Organic Act, as well as under the third section of the Territorial Act 'relative to elections,' and under the second section of the Territorial Act 'creating certain offices in the Territory of Montana,' the power is vested in me to convene the Legislature, notwithstanding the failure of the 'Apportionment Bill' and that I am clearly and positively authorized to do so by these several acts heretofore referred to, and that moreover, a Legislature does lawfully and constitutionally exist, and that it only awaits the summons of the executive to give it full life and action:

"Now therefore, I, Thomas Francis Meagher, the executive of this Territory of Montana, do hereby summons and convoke the members of the Legislative Council duly and properly elected on the fourth day of October, 1864, and the members of the House of Representatives, duly and properly elected on the fourth day of September, 1865, to meet in Virginia City, the capital of the territory, on Monday, the fifth day of March next, at the hour of noon, for the transaction of business, as well as to give legislative sanction and validity to the convention directed to assemble at Helena, on Monday, the twenty-sixth day of March next."

This action only increased the hostility of Meagher's political enemies. The *Montana Post* sneered at the pretensions of the election of September, 1865, as well as the reversal of the governor's opinion. Nevertheless, the Legislature is called, convened. Instead of approving the call for the convention it passed a resolution, approved 14 April, 1866, requesting Congress to authorize the calling of such a convention.

The convention, instead of meeting March 26th according to the amended call,—the date had been moved forward twenty-five days on account of the difficulty of travel across the Rockies in the early spring, did not go into session until April 9th.

Some would-be humorist signing himself "Everywhere," wrote to the *Montana Post:*

"The convention, sired by the Acting-one, and damned by the people, having been helped along by a number of proclamations, is finally born. The time of its birth was twelve o'clock M. of Monday; and, though by no means a healthy child, it already shows undoubted proofs that it will try to be somebody."

R. C. Ewing was chosen president and H. N. Maguire, secretary. A few years later a fire destroyed Maguire's effects and probably consumed the records of the convention, for their whereabouts have been lost to knowledge. The convention completed its work and adjourned Saturday, the fourteenth, having been in session only six days. The Constitution was never submitted to the people for ratification.

Justice Munson, while holding court at Helena, on June 4, 1866, declared against the legality of the Second Legislature; and shortly thereafter this opinion was concurred in by his two associates. The Lower House of the Federal Congress likewise declared this Legislature illegal but the Senate laid the matter on the table until the following winter.

In the interval Governor Meagher called an election of the Third Legislature at 5 November, and adjourned 15 December, 1866.

On 2 March, 1867, Congress amended the Organic Act and in section six of this amendment provided that:

"All acts passed at the two sessions of the so-called Legislative Assembly of the Territory of Montana, held in eighteen hundred and sixty-six, are hereby disapproved and declared null and void, except such acts as the Legislative Assembly herein authorized to be elected shall, by special act in each case, reenact."

A Brief Sketch of Justice Hosmer

The man whom President Lincoln sent to Montana as chief justice was a man thoroughly competent in his profession and his appointment was justified both on the ground of political expediency and his fitness for office. Hosmer was born at Hudson, New York, 10 December, 1814, of humble people who migrated thither from Connecticut. After receiving a preparatory education at Oxford, New York, he went to Cleveland, Ohio, in 1830, where he lived and studied law with a relative, the Honorable John Allen. After five years of studying he was admitted to the practice of law, by the Supreme Court of Ohio. He began the practice of his profession at Willoughby, later removing to Painesville in Lake County and again, removing, shortly thereafter, he went to Maumee City. At Maumee and Perrysburg he made his home until 1844, dividing his time between law and journalism. His practice of law took him through the circuit of the northwestern counties of Ohio twice a year. After this experience he associated himself with the *Toledo Daily Blade* as the editor and joint owner until 1855. Then came six more years of practice of the law and a considerable interest in politics. He was a Whig while that party lasted and in 1860 became active in the Republican organization, to which party he adhered during the rest of his life.

Expecting to receive as a reward for his political services the position of congressional librarian he went to Washington in 1861. Instead of this office, the Hon. J. M. Ashley, chairman of the House Committtee on Territories, secured for him the office of secretary of that committee. In this position he was brought into contact with the problems of the West, and was interesed in Mr. Ashley's plans for the formation of the new territories. Thus he became a logical candidate for one of the first territorial offices when in the summer of 1864 Montana was organized.

"As in the early days of California," wrote his son, J. H. Hosmer, "the attraction was the discovery of gold. Bannack first, then in Dakota, and Alder Gulch later, then in Idaho. The attraction had brought those who came to work, and those who came to profit by the labor of others. Had the convicts liberated on the approach of Napoleon, on the condition that they burn Moscow, been thrown en masse into the new settlements east of the mountains, it could not have been worse than it was with the crowd that entered and undertook to control Bannack and Virginia City in the years 1862 and 1863.

"Self liberty and self preservation made men who regarded law as necessary attendants upon happiness, heroes in those troublous times. And with a community nearly equally divided between law abiding men and rough, determination finally brought the desperado to the gallows and made life at least worth the living.

"By the Vigilantes, order was restored, and all from the highwayman to the petty pilferer from the sluice boxes or miners' cabins, knew by the spring of 1864 that if they valued their lives, honesty was not only a virtue, but a necessity. In this way the effect of a well studied criminal law was reached in the early winter of 1864."

But the adjustment of the civil law was not so easily affected, while everybody desired fair dealing, there were honest differences of opinion which required judicial determination. The miner's court had been acting by common consent as the arbiters of this rude society but they knew no precedent, law or rule except the good sense of the presiding officers and the jurors. From the decision of these group meetings there was no possible appeal except to the finding of a later court similarly constituted and with similar weaknesses. These then were the conditions which faced Justice Hosmer in Virginia City when he arrived in October in 1864.

His position was in many respects similar to the opportunities and difficulties which faced Chief Justice John Marshall of the Federal Supreme Court when he began his work of laying down the findings which formed a basis for the later jurists of the United States Government. Justice Hosmer had to do his work without the aid of an elaborate law library or the interpretation of the law which might have been brought to his attention by keen lawyers highly skilled in jurisprudence.

Not even a suitable building had been prepared for the housing of the court. After looking over the little town, Justice Hosmer decided to use the dining room of the Planter's House which the proprietor offered, but the use of this room demanded the prompt adjournment of court prior to each dinner and supper. On the first Monday of December, 1864, the room was early cleared of the breakfast dishes, a bench was arranged by putting a number of tables close together and then placing another table on top of these behind which the judges sat. Tables were also arranged for A. F. Forbet, the clerk, and for the lawyers. Upon the opening of the court a grand jury was impaneled to which Judge Hosmer gave a lengthy charge, some of the principal points of which were:

"Gentlemen of the jury: The assemblage of a grand jury in this new territory affords opportunity for a casual survey of the interests committed to its charge. The cause of justice, hitherto deprived of the intervention of regularly organized courts, has been temporarily subserved by voluntary tribunals of the people partaking more of the nature of self-defense than the comprehensive principles of the common law. It is no part of the business of this court to find fault with what has been done; but rather, in common with good citizens, to laud the transactions of an organization, which, in the absence of law, assumed the delicate and responsible office of purging society of all offenders against its peace, happiness and safety."

The Justice endeavored to point out to the jury some of the underlying principles of the conduct of a grand jury and their duty to society.

"You, gentlemen of the jury, have been regularly empaneled and sworn to make inquiry into the crimes that have been committed in this county. Your duties are both delicate and responsible. Your oath requires that you present no person through 'malice, hatred, or ill-will.' They need no explanation. Another part of it, that 'you will leave none unpresented through fear, favor or affection,' more difficult perhaps of performance, is equally comprehensible. Another part of it, that you will leave none unpresented 'for any reward or the promise or hope thereof,' I will not comment upon, lest you might regard it as an imputation upon your integrity. A person accused of crime reserves still another and an important privilege through the medium of your oath, and that is that you will make no disclosures of testimony, except when called upon to do so in a court of justice. The most perfect protection is thus given to the character and reputation of an accused person—a protection which should never be withdrawn, until a jury is satisfied of his guilt. This oath, gentlemen, is, of itself, illustrative of the exact justice with which the law seeks to deal with those who are bold and bad enough to violate it. There is no vengeance in it. It neither pursues or punishes from sinister considerations. Justice with us, like the heathen representation, is blindfold, that she may not see where the blow must fall, but she holds the scales with equal poise, and the sword is in readiness to inflict condign punishment upon him who is found wanting. She seeks only to answer, in a rational manner, the demand of every good man, who feels that his own nature has been belied by the commission of crime. She aims to do right. The offender is punished because he has disturbed the harmony of society. If his crime has been that of murder, it is not only the destruction of a life, but it is the offense against God—against morality—the terrible example thus furnished, and the danger to society of permitting such a crime to go unpunished, that the law considers. Death is inflicted because no lighter penalty could answer the demand of justice, and not merely for the purpose of taking human life. So with subordinate or lighter offenses. The punishment proportioned to each has more reference to the society that has been outraged, than to the miserable individual upon whom it is inflicted. He, indeed, whether on the scaffold or in the solitude of the prison, is but the instrument which the law employs, to shadow forth its judgments upon minds yet uncontaminated by guilt and crime."

The Justice appeared to have been seriously shocked by the laxity of public morals in the fields which did not constitute actual criminality.

"Let me urge upon you, gentlemen, the importance of giving to every subject that may by possibility affect the peace, the morals, the purity and the safety of this territory, your earnest and conscientious attention. Remember that it intended that anything and everything which breaks down, and sets at naught the established usages of civilized society comes within the purview of a juror's oath—and that if our statutes are deficient, the oversight of jurors may have a salutary influence upon the labors of legislators. You can, by timely action, purge this district of many of those petty evils which now corrupt it. Of this character are those offenses under the names of prize fighting, gambling, Sabbath breaking, and all that category of offenses, that spring up almost spontaneously in unorganized communities. Would it not surprise you, gentlemen, to hear that any of the older states had lapsed from a state of high morality into a condition marked by these moral enormities? Why should they exist here? Is there less to occasion a blush, on the brow of American citizens, at the exhibition of a prize fight on the Sabbath day, in the new Territory of Montana, than in the more highly chastened society of New England? Shall we wonder less, amid the pure atmosphere of the Rocky Mountains, at the improprieties which meet our observation on every hand, on each succeeding Sabbath—at the street auctions—the music—the prize fighting—than we should to find the same, in the streets of New York or Philadelphia? Let us labor, gentlemen, to correct these gross immoralities."

We have already seen some of the difficulties which embarrassed Justice Hosmer in the conduct of his office owing to the political disturbances of the time. Following the expiration of his term, Judge Hosmer was appointed postmaster of Virginia City, an office which he held until his removal from Montana in 1872 when he located at San Francisco. After leaving Montana his time was devoted very largely to literary pursuits. He produced in 1887 a work entitled *Bacon and Shakespeare in the Sonnets* in which he advanced the theory which has had considerable attention from literary men that the sonnets were a cipher written by Bacon explaining himself to be the author of Shakespeare's plays.

Much of Hosmer's time was devoted to Masonry. He had been an officer of the Grand Lodge of Ohio, was grand secretary for Montana and was a prime mover in the organization of the Virginia City Commandery of Knights Templar. For thirteen years he participated in important Masonic offices in California, until the time of his death which occurred 31 October, 1893.

Governor Smith Untangles the Skein

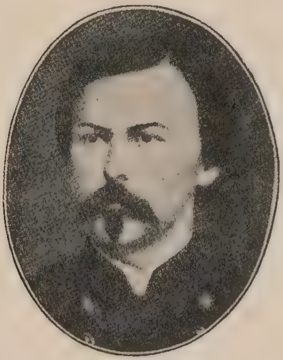
To fill the vacancy caused by Governor Edgerton's resignation, President Johnson appointed Green Clay Smith, a Kentuckian, who by serving the Union cause in the Civil war won the distinction of brigadier-general. He was wounded at Lebanon, Tennessee, and resigned his commission to take a Congressional seat. Shortly thereafter, he left this legislative position to accept the magistracy of Montana.

When Governor Smith arrived in Montana in the fall of 1866 he found a chaotic condition. An unlawful assemblage of the Legislature had passed laws which could not be enforced because the court had pronounced them invalid. The territory was deeply in debt and Choteau County had refused to pay any taxes whatever. So far as the officials could discover, the debt amounted to eighty thousand dollars, although the valuation of taxable property was nearly five million dollars.

Shortly after his arrival he addressed, on November 6, 1866, the Third Legislative Assembly. It is only fair to remark in favor of Acting Governor Meagher who had called this session, that nothing said by Governor Smith in this address indicated that he even suspected the possibility of this assembly being unlawful. "I congratulate you," he said, "on assembling under such favorable auspices, and, coming as you do, from the people directly, to do their will. They will look to your action with interest, and your wisdom and prudence in legislation will go far to upbuild and strengthen the growth and prosperity of this beautiful territory."

The Governor, as he frankly confessed, had not taken much time to familiarize himself with conditions in the territory relating to the matters which he discussed. He told the Legislature that the superintendent of public instruction should have a sufficient salary to justify him in visiting the different counties in the sole discharge of his duties, or else the territorial auditor might be made *ex-officio* superintendent. He had evidently overlooked the fact, or else chose to disregard it that this topic had been under careful discussion in the Legislature during the preceding spring. He told them that the treasurer of the territory should be the custodian of the school fund, apparently being in ignorance of the fact that the creation of such a fund had not been provided by law and that no such fund existed.

The desperate state of the territorial finances had drawn from him a little more earnest attention. He called attention to the fact that out of $85,004.50 worth of territorial warrants originally issued there remained unpaid, as of October 31, a balance of $54,004.45, and pointed out that the Federal collector of internal revenue had been able to collect practically all of the fees and taxes due him. Governor Smith could not understand why the territorial taxes could not be as faithfully collected. "If the property of the territory is correctly assessed and the taxes collected as they should be, the public debt would not only be paid during the coming year but a large surplus would be left in the treasury for other and important purposes."



GREEN CLAY SMITH
Governor, July 13, 1866, to
April 8, 1869.

The Governor had shrewdly noted and brought to the attention of the Legislature the fact that merchandise did not ordinarily arrive in the territory until after June first and that before the following June these goods were practically all consumed so that very little stock remained on hand on June 1, the date fixed for the listing and assessing of personal property. Thus the territory derived practically no revenue from property in merchandise. By fixing a later date for the assessment of personal property the territory would derive a much larger revenue from this source. Governor Smith failed to point out the fact that this condition laid an undue burden upon the owner of livestock and permitted the merchant to do business at a lower cost than would otherwise obtain. Perhaps he did not care to argue the matter feeling that this made little difference since the ultimate consumer paid the taxes both on livestock and on merchandise.

In view of the fact that the County of Choteau had refused to organize or to pay taxes the Governor suggested that the act organizing that county be repealed and that the people of Choteau be included wtih the citizens of Edgerton County for all civic purposes.

The Governor noted the fact that the territory was without a surveyor general and that no land-office existed within its boundary. He urged them to memorialize Congress to create this office. It will be noted by the reader that the "Official Directory," given on a preceding page, names M. Boyd as surveyor general. This must have been a local appointment without Federal authority, for the United States Official Register of 1865 names Montana as part of the District of Dakota with George D. Hill as surveyor general. This Register first reports Montana as a separate district in 1867 with Solomon Meredith named as surveyor general.

The Governor recommended that in the absence of a civil code of legal procedure the Legislature might with propriety adopt almost entirely that of California. "This territory is so much like California in every respect that nearly all the cases for adjudication can find a precedent in those settled by that practice and in their reports. You will, by the adoption of this practice and the purchase of reports, have the experience of almost twenty years and the opinions of the Supreme Court of the United States and a settled and uniform rule of practice throughout the territory."

"I would remark just here, that there are lying now at the express office in this city, and at some other points along the Overland stage line, a number of books intended for the territorial library, which have not been received by the auditor for the want of means to pay the express charges. I recommend an appropriation for this special purpose. The territory is without public buildings of any kind, I therefore hope the Legislature will not overlook a proper and strong representation of our necessities to the Government, during the next session of Congress, asking for means to erect such buildings as are absolutely necessary. None of the papers of the auditor, nor indeed of the treasurer nor indeed of any officer of the territory are safe, or in any wise protected, except as they are placed in the private safes of individuals. It was proposed at the last session of Congress, but too late for action, to appropriate the revenue collected by the United States to the territory for the period of three years for these purposes. It was received with a great deal of favor, and I predict, that if proper efforts are made this coming winter, it can be done, or else a sufficiency secured to erect such buildings as are needed."

Realizing the enhancement of the value of Montana property by the completion of a railroad the Governor requested that a memorial should be addressed to Congress in behalf of the Northern Pacific Railroad, which had already been planned to run from Lake Superior to the Pacific. By the completion of this road living costs would be lessened and a market provided for the Montana products, as well as bring in many settlers to develop the country. The completion of the road would also relieve the distress of the slow mails. Mails were then being brought from the East by stage by way of Salt Lake City requiring from sixteen to thirty days from the Missouri River.

Governor Smith recommended a legal provision for the organization of a territorial militia. For upon the organization of such a body the Congress would provide arms and ammunition. "You would do well to request the delegate in Congress to urge the passage of a bill to give us three thousand stand of arms with ammunition and one battery of artillery * * * it is hoped that some measure will be taken to supply the men who are developing the country to protect them against the savages of the territory."

The wisdom of this last recommendation was proved by the serious outbreak of Indian troubles in the following year. After the outbreak had occurred the Government sent to Fort Benton twenty-five hundred muskets, six pieces of artillery and seven hundred fifty thousand rounds of ammunition. One thousand of the muskets with ammunition were deposited in Helena and the rest taken to Virginia City. In neither place were there adequate storage facilities.

The first year of Smith's administration brought no improvement in the financial standing of the territory. On the other hand, the debt was five thousand dollars larger. The Federal collector of internal revenue, N. P. Langford, continued to show a much more favorable percentage of collections to assessed taxes, for he was under bond to pay into the United States treasury every dollar of assessed taxes, or to present proof that the uncollected taxes could not have been collected at the time they became due.

The Governor's message of November 4, 1867, showed that the territory had not yet sufficiently developed to condition where it enjoyed a uniform currency. Depreciated Federal greenbacks and uncoined gold of all degrees of fineness were in circulation. This condition made it impossible to furnish estimates of cost for the construction of buildings and the development of mining property and it discouraged the lending of money.

Since this Legislature had been convened under the act of Congress of March 2, 1867, it was in position to reenact all the laws previously declared to have been null and void. It was also empowered to borrow money for the rehabilitation of the territorial finances. Following this Legislature conditions began to improve, but there was room for much more improvement.

Indian wars, of which we shall speak in a later chapter, troubled the administration of Governor Smith as well as the many problems recited above. Although public order obtained generally throughout the territory there was much to be done in the way of civic improvement when Green Clay Smith resigned on 8 April, 1869. Governor Smith resigned to enter the ministry of the Baptist Church, and later occupied a pulpit in Columbus, Ohio. He was the candidate in 1876 of the Prohibition party for the presidency. His death occurred at the age of sixty-three in 1895.

The Death of Meagher

On July 1, 1867, Secretary Meagher, that most colorful of the men of early Montana, met his death at or near Fort Benton. He had left Virginia City to go to Camp Cooke to get one hundred thirty rifles which the Federal Government had offered to the territorial government for use in the Indian war then in progress. The circumstances of his death left doubt as to whether the demise was accidental, suicidal, or homicidal. There are facts supporting each of the three. During the evening prior to his death he had been the dinner guest of Major T. H. Eastman, the commandant of the trading station. Col. W. F. Sanders, who saw him after the dinner, said that "it was apparent that he was deranged. He was loudly demanding a revolver to defend himself against the citizens of Fort Benton, who in his disturbed mental condition, he declared were hostile to him." Meagher, who had already accepted the hospitality of an Irish boat-man, went aboard the *G. A. Thompson* and was persuaded to retire to his berth. About eleven o'clock a negro saw a man lower himself from the upper to the lower deck and then jump into the river. Meagher was missing and his body was never found. Sanders always fully accepted this suicide-while-insane theory; and none doubted it until in 1913, a criminal in fear of death, confessed that he had killed Meagher near Cow Island in the Missouri River and that he had received eight thousand dollars for this crime. Unexpectedly recovering his health, he repudiated his statement claiming that it had been made, if at all, while mentally irresponsible and that he had no remembrance of making such a statement. A few old-timers insisted that they had heard Meagher had met with foul play, but after an investigation it was decided that the murder theory was unsound. At the time of his death there was sufficient doubt of the Sanders story to inspire a popular subscription of ten thousand dollars to investigate the death. We must, then, conclude that the end of Thomas Meagher is an unsolved mystery.

The Brief Administration of Governor Ashley

After Governor Smith resigned, James M. Ashley, who had, in 1867, moved the impeachment of President Johnson, was tendered the office by President Grant. Mr. Ashley had been a violent abolitionist and his chief qualification for the gubernatorial office was his former chairmanship of the Committee on Territories in the House of Representatives. While in the House, Ashley proposed several important measures; he introduced a measure to abolish slavery in the District of Columbia; to prohibit slavery in the territories; and to amend the Constitution so as to forbid slavery; and to amend the Constitution to provide for the direct election of the President.

Arriving at Helena in the spring of 1869, he found that his Republican sentiments were unappreciated by the leading citizens of Montana and political warfare was continuous. Not only did he quarrel with his fellow citizens of Montana, but he criticized President Grant's administration. His usefulness as a governor being ended, his resignation was accepted less than fifteen months after his appointment, and Benjamin F. Potts, of Ohio, a colonel in the Union army during the Civil war, became the fourth governor of Montana, July 13, 1870. His military capacities were soon put to further test as we shall see in the following chapter.

The Census of 1870

The first Federal census in Montana was that of 1870. The census population was returned as 20,595 and the Indian agents reported 32,412 savages. In the census returns there were listed 18,306 whites, 183 negroes, and 1,949 Chinese, who had been brought from California to do the rougher labor around the larger mines. Of this total population, 16,771 were males and 3,824 females. There were some 2,000 children of both sexes. We must not think of all the men as engaged in mining; of those actively occupied, less than half were actual miners. About sixty per cent were in mining and manufacturing, fifteen per cent were in agriculture, eighteen per cent in professional and personal services, and eight per cent in trade and transportation.

The rapid development of agriculture in Montana is worthy of special note. From practically nothing in 1864, the annual production had risen, by 1870, to 183,000 bushels of wheat, 150,000 bushels of oats, and 86,000 bushels of barley. The potato crop ran almost to 100,000 bushels, and the dairies made nearly a half million pounds of butter.

JAMES M. ASHLEY
Governor, April 9, 1869, to
July 12, 1870

The territory was, at that time, divided into ten counties: Beaverhead, Big Horn, Choteau, Dawson, Deer Lodge, Gallatin, Jefferson, Lewis and Clark (once known as Edgerton, but changed in 1867 by his political enemies), Madison, and Missoula. Helena was the largest town, having a seventh of the entire civilized population. None of the other towns had as many as a thousand souls.

Ways to Get to Montana

There were only two ways to get into Montana from the East, for the Bozeman road had been closed. One might go up the Missouri River to Fort Benton, a trip of three thousand one hundred miles from Saint Louis. A tri-weekly stage line connected the Fort with Helena. Boats ran from April 15 to June 15, during the period of high water. The trip required four to six weeks and cost one hundred dollars for first-class passage. Or one might take the Union Pacific to Corinne, Utah. From that point the traveler had several choices. If traveling "de luxe" he would probably take the Wells-Fargo express stage which ran daily to Helena and made the five hundred mile journey in four days. The fare from Saint Louis to Helena by these methods was $144.75. For single men who could stand some discomfort, there were the freighter wagons out of Corinne, which made the trip to Helena in nine days. The best way for families was to purchase a wagon at Corinne with provisions for three weeks and make a slower, but cheaper, journey.

People from California and Oregon, attracted by the reports of rich gold deposits in Montana, came by way of Walla Walla and Lake Pend d'Oreille. Some, no doubt, preferred to trace the old Oregon Trail back to Corinne, Utah, then swing north into Montana.

The Exploration of the Upper Yellowstone

The traveler who arrived in Montana by one of these difficult routes in the late 'sixties found much interest expressed in a mysterious land to the south, lying far up in the Rockies. The weird wonders of the region at the headwaters of the Yellowstone River had been reported to civilization by the early scouts, Coulter and Bridger, but not until the people of Montana began, in 1867, to discuss a deliberate examination of the country, and finally organized an expedition for this purpose, was anything definitely known.

In 1869 David E. Folsom, C. W. Cook and William Petersen set out from Diamond City, a little settlement on the Missouri River about forty miles from Helena, with equipment for a six weeks' journey. After the return home, Mr. Folsom published an account in the *Western Monthly* of Chicago, in July, 1871, of the trip up the Yellowstone to the Falls, past Sulphur Mountain and the Mud Volcano to the Lake, into the Lower Geyser Basin and up the Firehole River to Prismatic Lake.

In the meantime, the verbal reports of this primary expedition had created a desire for a more thorough exploration and it was easy to find civilians eager to accompany General Henry D. Washburn, Surveyor-General for Montana, escorted by Lieutenant Doane with a cavalry detail. This party left Fort Ellis on 22 August, 1870, went up the Yellowstone valley, explored widely, and among many other things, discovered and named the Old Faithful Geyser, during a month of absence from their homes. But the most important work of these men was the publicity following their return. Walter Trumbull published an extensive account in *Overland Monthly* in June, 1871; Washburn made an official report; N. P. Langford and Cornelius Hedges wrote and lectured.

Upon learning of these remarkable discoveries, the United States Geological Survey sent, in 1871, its Dr. Ferdinand V. Hayden with a party, accompanied by a group of military engineers, to make a thorough and scientifically authoritative examination.

After all these explorations and all the public interest thereby aroused, the next matter was to preserve these wonders for the perennial delight of the American people. To this end Cornelius

Hedges proposed the creation of a National Park and was fortunate in seeing his proposal given effect by the Congress, with his friend, N. P. Langford, named as Superintendent.

The Coming of Governor Potts

To succeed Governor Ashley, President Grant commissioned Benjamin Franklin Potts, who governed the territory for thirteen years, a period ten years longer than any other administration.

Potts was a native of Carroll County, Ohio, born 29 January, 1836. Like many other statesmen of the time, he taught school and studied law in preparation for a career. And, as young lawyers so often have done, he took an interest in political affairs. During the important crisis, the decade preceding the war of secession, he was allied with the Democratic party. He was a delegate to the conventions of Charleston and Baltimore and strongly supported Stephen A. Douglas.

BENJAMIN F. POTTS
Governor, July 13, 1870, to
January 14, 1883

But when the war broke out, Potts cast in his lot with the Union cause. He organized a company of volunteer infantry and was mustered into the Thirty-second Ohio Volunteers. Organizers of a company in those days were ordinarily given the command as captain of the men whom they thus recruited. He and his company engaged in several battles and Potts was advanced to the rank of lieutenant colonel. In September, 1862, he was captured at Harper's Ferry but was soon exchanged. He returned to Ohio, reorganized the Thirty-second Infantry and was soon commissioned its colonel. He fought at Vicksburg and later was transferred to the command of General Sherman with whom he marched across Georgia. On December 10, 1864, he took command of the advance brigade of Sherman's army and assisted in the siege of Savannah, winning the rank of brigadier-general.

At the close of the war he declined the offer of a colonelcy in the regular army and resumed practice of the law in Ohio.

While sitting in Congress as senator from Ohio, he was nominated by President Grant to the governorship of Montana and was commissioned 13 July, 1870. From 1870 to 1883 Governor Potts served Montana faithfully and saw her population triple. While Indian troubles occupied much of the attention of the people there was a rapid development of Montana politically, socially, and economically.

The Newspapers of the '70s

Reference has already been made to the *Montana Post,* the first paper to be published in the territory. Its first copy was issued at Virginia City 27 August, 1864. This weekly journal gathered news by letter from all the mining camps and was for several months most decidedly the territorial paper rather than the local sheet. Its early files are a mine of information to one who is desirous of knowing the life of the people of early Montana. Its advertisements notifying the public of stage departures, publishing the prices of commodities, challenging men to prize fights, and a great variety of other matter, illuminates the life of the people as much as its quaint letters. In politics it was decidedly Republican but in consideration of the venomous spirit in which political matters were discussed in those times one is surprised at the gentlemanly, well-balanced pronouncements of the paper. Most courteous was the welcome given by its editor, Thomas J. Dimsdale, the historian of the Vigilantes, to General Meagher, whose political sympathies both in America and in Ireland must have been most nauseating to the Englishman who held strong Unionist-Republican sympathies.

During the final illness of Professor Dimsdale, which title of dignity he won by being a schoolmaster, the editorship of the *Post* was transferred first to H. N. Maguire and then to S. R. Blake. In December, 1866, Captain Mills took editorial charge for the proprietors, Tilton and Dittes. About two years later, the paper changed hands and was moved to Helena, where it ceased publication in 1869.

Various other attempts were made at Virginia City to establish papers but with the decline of population in that camp and, a few years later, the transfer of the territorial capital, several newspapers were forced to suspend publication. The *Madisonian* first issued on 15 November, 1873, is still the leading paper of Madison County. Thomas Deyarmon was its founder and editor.

In Helena, those inclined to the Democratic party read the *Gazette,* while their political opponents read the *Herald.* In 1873, both these newspapers were publishing both daily and weekly editions. In the other towns, only weekly editions were then to be had. Virginia City had her *Montanian,* Bozeman read the *Avant Courier,* and Missoula read the *Pioneer.* Deer Lodge boasted two papers, the *Independent,* later moved to Helena, and the *New Northwest.* At this time, the population of Montana was much more concentrated than it is today. The only settlement of any size, other than those above-named, was at Fort Benton, a town which lost its early importance when the railroads came into Southern Montana.

Legislation of the '70s

In 1870-71 the first codification of law was attempted, and the next year the existing civil practice act was remodeled to resemble more closely the California practice, as had been recommended by Governor Smith.

From 1866 to 1872 the Montana Legislature had appropriated extra compensation for its Federal officials and had made strong representations through its delegate in Congress to have that body increase the stipend. The territory spent over $200,000 in this manner and had, in other ways as well, run its total debt to a half million. Congress, in order to stop a part of this extravagance, forbade any territory to pay extra compensation.

About this time there arose a proposal that the territory should bond itself to aid a railroad into the region but Governor Potts warned against such action. An act was passed encouraging the formation of railroads within the territory (April, 1873) by granting two hundred foot right-of-way over all public lands "except as against the United States," the right to take from adjacent public lands earth, stone, timber and water for construction and maintenance and additional land, not to exceed forty acres for each ten miles of road, for station buildings, switch tracks, and for other purposes. The condemnation of private land was arranged for. Further, "that any such corporation whose right of way, or whose track upon such right of way extends through any canyon or defile shall not exclude any other such corporation from a passage through the same upon equitable terms." The counties were authorized to bond themselves in order to buy stock in railroad companies. The counties of Madison, Jefferson, and Gallatin were to vote upon taking up stock amounting to fifteen per cent of their assessed property; Lewis and Clark twenty per cent; and Meagher ten per cent. These bonds were to run thirty years at an interest rate of seven per cent. Any road thus aided was required to have a gauge of not less than three feet.

This same session passed a law forbidding the use of firearms within any town, village, or private enclosure, under penalty of not less than five nor more than twenty-five dollars.

The Removal of the Capital

Ever since the founding of the City of Helena its citizens had kept up an agitation for the removal of the capital from Virginia City to Helena. Helena was much more centrally located and had a larger population than did the lawful capital. But this removal would carry the capital across the range and on that side of the range which had the less population. In 1869 effort had been made favoring the change but in spite of a very close vote it was officially declared to have been lost.

An act of the territorial Legislature of 11 February, 1874, authorized the submission of the question to the people in the August election. Under date of September 26 the canvassing board reported to the Governor that there was an apparent majority for disapproval of the removal of one hundred fifty-two votes. The returns from Meagher County were believed by W. F. Wheeler, the United States marshal who made the report, to have been erroneous, and that in reporting the returns the county clerk had reversed the figures so that instead of five hundred sixty-one votes favoring and twenty-nine votes disapproving, his report showed exactly the opposite. Time did not permit the verification of these returns and the board, of whom a majority was very distinctly in favor of retaining the capital at Virginia City, reported that the motion had lost.

Mr. Wheeler secured from T. E. Collins, the county clerk of Meagher County, an affidavit that the whole return as originally received was a forgery of writing, signatures, and seals, and furthermore that the true vote, as shown by the official returns from Meagher, was five hundred sixty-one favoring and twenty-nine disapproving the removal. The majority of the canvassing board refused to reopen the question and Mr. Wheeler declared above his own signature that a true canvass showed a majority for removal of nine hundred twelve votes. In January, 1875, an application for mandamus to compel the officials to remove the offices and records from Virginia City to Helena, was made to the Supreme Court. That body, after full debate, granted the mandamus, Chief Justice Wade and Justice Knowles concurring, with Justice Servis dissenting. Even this did not discourage the Virginians. They then appealed to the United States Supreme Court in February, 1876, for a rehearing but that court dismissed the case alleging want of jurisdiction. In the meantime, the Territorial Supreme Court had ordered a recanvass of the votes, which having been made, Governor Potts issued a proclamation declaring Helena to be the capital of the territory. The offices were removed and the next Legislature, that of 1876, was held at Helena.

The Centennial Exposition

The Legislature of 1874 appropriated five thousand dollars to meet expenditures in sending the exhibit of Montana's resources to Philadelphia in 1876. Governor Potts sent William A. Clark to represent Montana at the exposition, and there that eloquent man persuaded many to come to Montana by his attractive portrayal of the resources of the country. After mentioning the rich mineral and agricultural resources, he wooed the hunting instincts of his audience by telling of the plains and mountain bison, the elk, moose, deer and antelope, the mountain sheep and goats, the grizzly, cinnamon and black bears, the "lions and panthers." He did not omit mention of the continued resources in furs, such as the wolf, fox, otter, beaver, marten, fisher, mink and silver grey fox.

In closing he bid welcome to Montana "the capitalists to assist in opening her mountains of treasure, to erect quartz mills and furnaces, to build railroads and engage in all the varied industries which her resources of mine and forest, water and soil suggest and give promise to satisfactory reward. Millions of capital now swelling the vaults in your eastern cities to plethoric fullness, or dragging in the unprofitable grooves of a depressed trade might find, under judicious management, in the gold and silver fields of this territory such remunerative employment as would satisfy the most exacting cupidity. She invites the laborer, the miner, the mechanic the farmer and the stock-raiser, promising that in the development of her mines, the building of her cities, the cultivation of her soil, and the watching of her herds they shall obtain an abundant recompense for their toil. The unfortunate sick and disabled are carefully provided for at the hospitals or by generous contributions, and not one itinerant beggar is to be found within the length and breadth of the territory. The invalid may here, in the invigorating air where no malaria lurks to poison its sweetness, have reasonable hope of restoration. Geology, botany, and the allied sciences may here be studied to advantage. The artist and lover of nature may find fruitful field for exploration and employment where the richest endowment of beauty and grandeur are profusely given."

The Census of 1880

The decennial survey of 1880 revealed some interesting changes in the social structure of the territory. There were at this time 28,177 males and 10,982 females, being almost a fifty per cent increase in the proportion of women to men. Out of the total of 39,159, 6,696 were of school age, almost evenly divided between boys and girls. As to race 346 were negro, 1,765 were Chinese and 1,663 were Indians living within civilized communities. The Chinese showed a very slight decrease in their numbers since the preceding census, but the civilized Indians had increased by 1,500. About fifty-seven per cent of the population were listed as engaged in gainful occupation. Professional and personal services occupied the time of the largest group of workers, being about thirty-one per cent of the whole. Of the productive occupations mining ranked first with twenty-one per cent of all workers being engaged therein. Next came the farmers who constituted about twenty per cent of the working population. Manufacturers and mechanical industries ranked next, and those engaged in trade and transportation totaled about twelve per cent of the workers.

THE CEMETERY AT SILVER CITY

Here were made some of the earliest interments in Montana Territory. New interments are still being made.

The nativity of the miners showed a most cosmopolitan group; less than half of them had been born in the United States. The next largest national group was that of the Irishmen, 693 in number, almost fifteen per cent of the whole. Englishmen, Scotchmen, and Welshmen, which may be grouped as Britishers, numbered 439; 271 had been born in Canada; 170 in Germany; and 117 in Sweden and Norway. The foregoing comprised the larger national groups, but more than 1,100 came from other countries.

There were relatively very few old people in Montana at this time. There were 127 between the ages of seventy and ninety, and three claimed to be one hundred years or older. While this great age might possibly be attributed to bad memories on part of the reporters, there were over 4,000 in the United States at this time who claimed to have reached such an age.

The wealth of Montana had greatly increased. Without taking into consideration the value of the mines, the taxable value as of 1882 was over thirty-three million dollars. The yield of the mines brought to their owners about ten million dollars annually. The rapid development of the livestock industry is to be seen in the following figures: Cattle, 287,210; sheep, 362,776; horses, 67,000. In 1882 forty-three thousand acres of wheat yielded a total production of 685,000 bushels worth a million dollars.

Constitutional Convention of 1884

Following the close of the Nez Perce war aggressive politics were confined to Indian matters. Apart from this troublesome question the legislators confined themselves to simple economic and organic measures. Two new counties, Silver Bow and Yellowstone, were organized and the public debt was paid off. When Governor Potts left the territory all the territorial debt had been extinguished and $15,000 in cash remained. Many Montana citizens felt that the time was ripe for another movement toward statehood, in spite of the fact that the population at the census of 1880 was a long way from the 60,000 persons usually considered the minimum for admission for statehood. Nevada had had less than 8,000 at the time of the census immediately prior to its admission as a state. Colorado had had the same number of persons at its census prior to admission as Montana found in 1880. So there was precedent upon which to base the hope that Montana might be admitted to the Union. Governor Potts, however, claimed and the next census appeared to support it, that Montana had a much larger population, saying:

"At the time of the census of 1880, Montana had fewer than 40,000 inhabitants. The same year witnessed the entry of the first railroad within her borders. During the ten preceding years the population had barely doubled, but within the past three years it has advanced from 40,000 to upward of 80,000. While it is true that much of Montana's surface seems adapted to a scanty population engaged in pastoral pursuits, other sections, covering probably a fourth of its area, creviced and underlaid with mineral wealth, are certainly destined to give homes and employment to a dense population at no distant day."

However, Montana did not as yet have permission from the Congress to apply for admission. The thirteenth Territorial Legislature took the initiative in the matter by passing an act providing for holding an election of delegates to a Constitutional Convention. The convention met at Helena in January, 1884, under the presidency of W. A. Clark, one of the leaders of the mining industry in the territory.

The result of the labors of this convention were presented to the people of the territory for their consideration at the fall election of 1884, and the constitution was adopted, 15,506 favoring and 4,266 opposing. There was a considerable body of citizens in Montana who apparently did not care whether they had state or territorial government, for 7,000 more votes were cast at the election for the delegate to Congress than were cast on the constitutional issue.

Having been adopted by the people of Montana, this constitution was then presented to Congress by the delegate, the Hon. Joseph K. Toole, but Congress did not see fit to admit Montana to statehood. During the four years Mr. Toole represented the interests of Montana as delegate he kept this matter constantly before Congress and his labors were rewarded during the closing days of his term by the passage of an Enabling Act under which a new constitution was drafted.

The Last Governors of the Territory

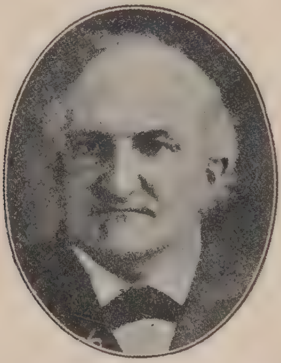
Following the thirteen-year service of Governor Potts came the brief administration of John Schuyler Crosby. Crosby's services as adjutant general under Generals Sheridan and Custer in Indian fighting won him this appointment. Crosby was a native of New York State, and a graduate of the University of the City of New York, being the first of the governors of Montana to hold a collegiate degree. He held another distinction in that he was not legally trained, his whole previous life having been devoted to the profession of arms. He came to the governorship of Montana at the age of fifty-one.

During his administration there was in the territory a sentiment hostile to appointees from the East and the term "Carpetbagger" was applied to them. The people of Montana thought they should have men who had grown up with the young territory and were familiar with its problems. Consequently the appointment of Governor Crosby was resented. Doubtless his long military experience did not make it any easier for him to fit himself to the necessary adjustments of civil administration.

On December 16, 1884, President Arthur sent Bockee Platt Carpenter to rule over Montana. Carpenter was of the more usual type of Montana governors, namely, a man of considerable legal experience. He was a native of Stanford, New York, born in May, 1837. After graduating from Union College, Schenectady, he was admitted to the bar and held the offices of district attorney, county judge, state senator, and was a member of the state constitutional convention. Being a "Carpetbagger," like his predecessor, he held office for only one year, probably because the Montanians were able to get the new Democratic President, Cleveland, to see their viewpoint of the matter and to remove a Republican to make way for a Montana Democrat. Mr. Carpenter however, did not, like his predecessor, return to the East as soon as his administration

J. SCHUYLER CROSBY

Governor, January 15, 1883, to
December 15, 1884



B. PLATT CARPENTER

Governor, December 16, 1884, to
July 13, 1885.

SAMUEL T. HAUSER

Governor, July 14, 1885, to
February 7, 1887.

expired but remained in Montana and made himself a place in the hearts of the people of his adopted homeland. He was a member of the Montana Constitutional Convention of 1889, and one of the commissioners of the Code effective July 18, 1895. During Mr. Carpenter's administration, Fergus County was created out of Territory previously in Meagher and Choteau counties; and the cities of Billings, Dillon and Missoula were incorporated.

With the return of the Democratic party to power in the Federal Government another change was speedily made in Montana. Samuel T. Hauser, a resident of Montana since 1862, became its governor.

Hauser had had a most interesting and adventurous career not only during the early days of Montana but prior to his coming. He had been born in Kentucky January 10, 1833. When twenty-one years of age he went to Missouri, then a frontier state, and engaged in civil engineering in the employ of several railroad companies. After a disagreement with his chief, he came to Fort Benton in June, 1862. In the fall he went to the Bannack mines. The next year he was one of James Stuart's Yellowstone party. In 1865 he formed a partnership with Wilbur Fisk Sanders and they entered into a banking and mining business. They erected the first smelting furnaces on Rattlesnake Creek. Mr. Hauser organized the First National Bank of Montana, of Missoula, of Butte and of Benton. When he first engaged in banking the prevailing banking interest was four and five per cent a month. At Phillipsburg he organized the Saint Louis Mining Company and erected the first silver mill in the Territory. When the railroad building fever struck Montana, Mr. Hauser organized the Helena and Jefferson Railroad which is now (1928) a part of the right-of-way of the Great Northern Railway between Helena and Butte. After his retirement from the active management of the First National Bank of Helena he joined with other capitalists to form the Montana Power Company. This company built the three great dams across the Missouri River known as the Canyon Ferry dam, the Hauser dam, and the Holter dam, which furnish power for the mines and smelters of Butte, Anaconda and East Helena.

Mr. Hauser accepted the governorship of Montana more to please his fellow citizens than to furnish himself an occupation, for the $3,500 annual stipend looked small beside the income from his numerous Montana investments. Finding that his financial interests were suffering from lack of attention he resigned the governorship on 8 February, 1887.

During Hauser's administration an important codification of the law of Montana was begun. The County of Park was carved out of Gallatin County.

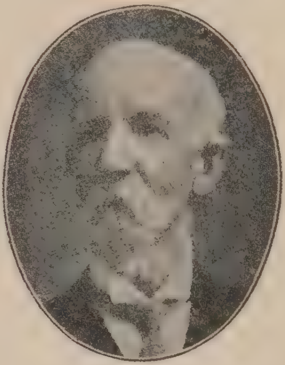
Two more governors succeeded Mr. Hauser before Montana became a state. Preston H. Leslie (1819-1907), who had been governor of Kentucky, immediately succeeded Mr. Hauser and on April 9, 1889, gave way to Benjamin Franklin White, a Yankee from Massachusetts who, like Hauser, had been a Western pioneer. When the Utah Northern Railroad came into Montana he established a freight forwarding concern with headquarters at Dillon. Ex-Governor Leslie followed the example of Mr. Carpenter and made Montana his home. He practiced law in Helena and was United States district attorney. Mr. White's business interests of course retained him in Montana so that at the time of statehood Montana had four ex-governors living within her bounds.

Summary of the Territorial Days

The ten gubernatorial administrations of Territorial Montana had seen a great change come over the region. In 1864 the Indians outnumbered the whites almost ten to one; in 1889 the aborigines were the powerless and degraded recipients of a stingy charity of the Federal Government. During this quarter of a century Montana had passed from a condition where practically all the necessities of civilized life had to be carried in by ox-team, muleback or steamer to a condition where the region was practically self-sustaining. Gold mining had given way to copper mining and the agricultural and livestock industries had become more important than any kind of mining. Instead of the wild vagaries of the Vigilante days, Montana society had become as peace-loving as any to be found within the Union. Even the hurdy-gurdy had been prohibited by law. Men could no longer fire a revolver in the main street of the smallest village without being liable to arrest, and gold-dust was no longer weighed out in payment for commodities. In Eastern Montana fat cattle and sheep grazed where once had been seen the countless herds of antelope and bison; and in the decade immediately preceding statehood the population had increased by more than one hundred thousand persons, so that the total in 1890 was 132,159, a population sufficient to permit that close division of labor which makes for a high civilization,—which separates, for example, the barber from the surgeon, the dentist from the physician, and the attorney from the advocate.

PRESTON H. LESLIE

Governor, February 8, 1887, to April 8, 1889.



BENJAMIN F. WHITE

Governor, April 9, 1889, to November 7, 1889.

CHAPTER XI

THE LAST STAND OF THE RED MAN

Capt. John Smith of Virginia fame once wrote that if the Indians had not fed the little settlement at Jamestown, the whites would have starved. This is only one instance of many showing the generosity and friendliness of the Indians toward the earliest white settlers and traders. When Lewis and Clark made their expedition through Montana, they found the aborigines of this section friendly and helpful in giving information. The Flatheads, who saw white men for the first time when this expedition passed through, made the boast that they never went on the warpath against the whites; they repeatedly showed kindness to the white settlers in the Bitter Root Valley.

Time after time the Indians were deceived into giving up without a struggle their best hunting lands in exchange for tawdry presents. When the Red Man was more powerful than the whites, chicanery was employed to rob him; when he weakened under alcoholic liquors and the foul diseases which the whites brought him, then force was employed to crowd him over backward until an Indian reservation meant land on which white men did not care to live. The Indians so faithful in keeping their own pledges could not believe that the whites did not intend to carry out their commitments in full good faith. So it took many broken treaties to teach the Indian to rely on force or flight rather than white man's promises. The stories told of the United States generally in Helen Hunt Jackson's sad little book *A Century of Dishonor* had many counterparts in Montana.

However, we must not be too harsh in our judgment of the Government, for the only conscious policy of the Government was honorable and generous. Part of the trouble lay in the defects of legislation and administration. The Indians were not understood; their viewpoint and stand was not appreciated. Moreover, the whites who represented the Government in the agencies were often incompetent or, worse still, corrupt, seeking to increase their own fortunes at the expense of the Indians in their charge. Cases are known where the Indians were reduced almost to starvation by such agents.

The good agent also brought troubles upon the Government. He became the friend of his tribe and took their point of view. He saw that good rifles were a necessity to them because of the scarcity of the game which was steadily decreasing in numbers with the coming of the whites. Consequently he would continue issuing the rifles and ammunition to the Indians right up to the time of an outbreak. On account of this over-confidence and injudiciousness on the part of the good Indian agent, the troops often had to contend with Indians who were equipped with better and more modern rifles than they themselves.[1]

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[1] Paxson, *History of American Frontier*, 504.

Another factor which entered into the treatment of the Indian and which finally helped to determine the policy toward him, was his own incompetence and inability to adjust himself to the new conditions which the coming of the whites imposed upon him. It was a case of civilization versus savagery. Progress is ruthless; the inefficient must give way before the more competent. In this struggle of the Indians against the whites and the civilization so represented, and in the final destruction of the aborigines we see clearly the survival of the fittest. Much as we regret this fate of the Indian and however much we may sympathize with him we feel that this result was inevitable. The fur traders were at first kindly received and given Indian maidens as their wives. But the Indians soon discovered that the traders did not give a fair exchange; that white men brought serious diseases among them; and that the spirituous liquors distributed by the traders destroyed the mind as well as weakened the body. Again, the Red Man soon learned that the white traders were sometimes hostile to one another, and certain whites made it advantageous for Indians to destroy other whites. Thus the Indian's friendliness turned to enmity; his confidence to distrust.

Just as an American community is unable entirely to control its criminal elements so the leaders of Indian society found it impossible at times to control its ill-disposed members. But white men did not ordinarily take this into consideration and often took wholesale vengeance for individual wrongs. We have the record of one case of an Indian's stealing a cow. As a punishment an attack was made on an Indian village. The whites did not always take the precaution to make sure that the band of Indians they were "punishing" was even the one of which the guilty Indian was a member. Thus the innocent suffered with the guilty and there was no reward for the good Indian.

The Outrage at Bannack

Finally, we must remember that the United States pushed its own criminals and outlaws to the fringes of settlement and thus brought many of its most cruel and lawless members into contact with the Indian. A sample of this treatment is seen in the story told by Dimsdale of the early days of Bannack which we will quote here in full:

"The wild lawlessness and reckless disregard for life which distinguished the outlaws, who had by this time concentrated at Bannack, will appear from the account of the first 'Indian trouble.' In March, 1863, Charley Reeves, a prominent 'Clerk of Saint Nicholas,' bought a Sheepeater squaw; but she refused to live with him, alleging that she was ill-treated and went back to her tribe, who were encamped on the rise of the hill, south of Yankee Flat, about fifty yards to the rear of street. Reeves went after her and sought to force her to come back with him but on his attempting to use violence, an old chief interfered. The two grappled. Reeves, with a sudden effort, broke from him, striking him a blow with his pistol, and, in the scuffle, one barrel was harmlessly discharged.

"The next evening, Moore and Reeves, in a state of intoxication, entered Goodrich's saloon, laying down two double-barreled shotguns and four revolvers on the counter, considerably to the discomfiture of the bar-keeper, who, we believe, would have sold his position very cheap, for cash, at that precise moment, and it is just possible that he might have accepted a good offer 'on time.' They declared, while drinking, that if the d—d cowardly white folks on Yankee Flat were afraid of the Indians, they were not, and that they would soon 'set ball a-rolling.' Taking their weapons, they went off to the back of the houses, opposite the camp, and leveling their pieces, they fired into the tepee, wounding one Indian. They returned to the saloon and got three drinks more, boasting of what they had done, and accompanied by William Mitchell, of Minnesota, and two others, they went back determined to complete their murderous work. The three above named then deliberately poured a volley into the tepee, with fatal effect. Mitchell, whose gun was loaded with an ounce ball and a charge of buckshot, killed a Frenchman named Brissette, who had run up to ascertain the cause of the first firing—the ball striking him in the forehead, and the buckshot wounding him in ten different places. The Indian chief, a lame Indian boy, and a papoose were also killed; but the number of the parties who were wounded has never been ascertained."

One white man, the Frenchman Brissette, was killed in the fray by the desperadoes and several others were wounded.

This brutal deed so aroused the indignation of the community that the murderers fled for their lives. They were overtaken by a posse. They had the advantage of the posse, having taken refuge in a dense thicket of willows from which they could have shot every one of their pursuers. However, since they were on foot they could not hope to make good their escape. The day was intensely cold which made both parties anxious to come to an agreement. The murderers finally surrendered with the understanding that they should have a trial by jury (knowing that no jury would dare to convict for fear of their lives). The people tried to force upon the criminals a miner's trial. After many arguments amid shouts, shots, threats, and blows, they were accorded a jury trial. As had been foreseen, the jury did not dare convict them and sentence them to be hanged. Had these same members of the jury been a part of a miner's trial and not singled out for a jury, they would all have voted for conviction for the guilt of the two men was established. The jury recommended that Moore and Reeves be banished and their property be confiscated for the benefit of those whom they had wounded.

Open demonstrations of dissatisfaction followed the announcement of the decision. The roughs, however, "hailed it as a fresh concession to their bloody and lawless authority." Moore and Reeves soon returned to join their fellow-miscreants.

"Old Snag, a friendly chief, came into Bannack with his band immediately after this report. One of the tribe—a brother-in-law of Johny Grant, of Deer Lodge—was fired at by Haze Lyons, to empty his revolver, for luck, on general principles, or for his pony —it is uncertain which. A number of citizens, thinking it was an Indian fight, ran out, and joined in the shooting. The savage jumped from his horse, and, throwing down his blanket, ran for his life, shouting 'Good Indian.' A shot wounded him in the hip.

(His horse's leg was broken.) But, though badly hurt, he climbed up the mountain and got away, still shouting as he ran, 'Good Indian,' meaning that he was friendly to the whites. Carroll, a citizen of Bannack, had a little Indian girl living with him, and Snag had called in to see her. Carroll witnessed the shooting we have described, and running in, he informed Snag, bidding him and his son to ride off for their lives. The son ran out and jumped on his horse. Old Snag stood in front of the door on the edge of the ditch, leaning upon his gun, which was in a sole-leather case. He had his lariat in his hand, and was talking to his daughter, Jemmy Spence's squaw, named Catherine. Buck Stinson, without saying a word, walking to within four feet of him, and drawing his revolver, shot him in the side. The Indian raised his right hand and said, 'Oh! don't.' The answer was a ball in the neck, accompanied by the remark, enveloped in oaths, 'I'll teach you to kill the whites,' and then again he shot him through the head. He was dead when the first citizens attracted by the firing ran up."

Geographical Division of Montana Indians

A careful student of Montana Red Men will distinguish four natural geographical divisions of these people. West of the Rocky Mountains lived the Flathead Confederacy, including the Selish, Pend d'Oreilles, Kalispells, Kootenais and Spokanes. Here also the Shoshones a little to the south of the Flatheads. North and west of the Missouri River roamed the Blackfoot consisting of Blackfoot, Piegans and Bloods, with Assiniboines to the east. South and east of the Yellowstone was the Crow and Gros Ventre country. The region lying in the triangle formed by the Missouri and Yellowstone was considered a neutral hunting ground, and into this the Flatheads were wont to make a yearly excursion for buffalo. Probably the more westwardly Nez Perces, kinsmen of the Flatheads, and the Shoshones came also into this grassy plain to hunt.

Sully's Raid, 1864

The rush of settlers to the gold fields in Montana which naturally resulted in friction between the whites and Red Men followed by outrages on both sides, made the Indians very uneasy and suspicious. This was increased by the retreat of the warlike Sioux west of the Missouri after the campaign in Minnesota and Dakota. Although retreating the Sioux were still defiant. The military authorities determined to follow them into Eastern Montana and subdue them if possible.

In accordance with this plan, in the spring of 1864 (the same year in which gold was discovered in Helena) Gen. Alfred Sully brought a large expedition up the Missouri. This included four thousand cavalry, eight hundred mounted infantry, twelve pieces of artillery, three hundred teams and three hundred beef steers, with fifteen steamboats to carry baggage.

On the 4th of July this expedition was joined by an emigrant train of two hundred and fifty people and sixty teams bound for Montana gold fields.

The first important engagement of this campaign was fought near Knife River on July 28, 1864. It is known as the battle of Killdeer Mountain or "Kill-the-deer-butte." In this battle twenty-two hundred United States soldiers encountered the Indians, whose numbers have been estimated at between five and six thousand.

The second battle which is called "Waps-chon-choka" was fought in the Bad Lands near the Little Missouri on August 9 and 10. Here the Indians, estimated at eight thousand matched their bows and arrows against the artillery of the troops. As may be expected the Red Men were utterly routed, suffering heavy casualties, while the whites had only nine men killed and one hundred wounded.

Continuing with much suffering to both men and beasts the army pressed on westward to the Yellowstone, meeting the Indians in several encounters but inflicting no decisive defeat. After reaching Fort Union with much loss of horses and equipment, the expedition turned east again to go into winter quarters in the frontier post of Minnesota and Iowa.

Troubles at Fort Benton

Collisions between the rapidly incoming whites and Blackfeet near Fort Benton began in December, 1864. A party of twenty white fur hunters was robbed of their horses by a party of fourteen Bloods. The loss was a severe one for the hunters were two hundred miles from any settlement and in the dead of winter. They were fortunate, however, in recovering their horses, having killed two Indians. On April 23, 1865, some Bloods stole forty head of horses from Fort Benton. Retaliation followed a month later. Then, on May 25, a party of ten wood-cutters on Maria's River were murdered by Bloods. The Indians claimed that the whites fired first; none of the whites lived to make a counterclaim. The preceding winter the Indians of the Blackfeet Agency lost heavily by sickness. The Piegans said 280 of their tribe had died; the Gros Ventres 160; and the Bloods and Blackfeet, 1,500. The Indians believed that the illness was caused by the whites poisoning annuity goods which had been distributed the previous fall, and thus much ill-feeling arose. Needless to say, the Montanans were much excited, fearing a general Indian uprising.

The Indian Agent, Gad E. Upson, declared at this time:

"The secret sale of spirituous liquors to these Indians is the first cause of all our troubles in this nation; not a depredation is committed that cannot be traced to this nefarious traffic; and yet these infamous 'whiskey traders' have managed thus far to escape the clutches of the law.

"The moral condition of the Indians in this country is truly lamentable. Not one spark of civilization appears to have dawned upon their ignorant minds, and their capacity for improvement, if they ever had any, seems to have risen and set in total darkness. They appear not to have been benefited one iota from their intercourse with the whites, but rather to have imitated their vices, instead of their virtues."

There has been little tendency on the part of the whites to apologize for the bad treatment accorded the Indians. Under date

SCENES AT THE BLACKFEET SUN DANCE

of 1865 General Pope, commanding the Department of the Missouri, in answer to a question, replied that the Indians were "rapidly decreasing in numbers from various causes; by disease; by wars; by cruel treatment on the part of the whites—both by irresponsible persons and by government officials; by unwise policy of the Government, or by inhumane and dishonest administration of that policy; and by steady and resistless encroachments of the white emigration toward the West, which is every day confining the Indians to narrower limits, and driving off or killing the game, their only means of subsistence."

Attempts to Open the Bozeman Trail

From Peter Koch we have an account of the earliest beginnings of the Bozeman Trail.

"In the winter of 1862-63 two men, John M. Bozeman and John M. Jacobs, left Bannack for the States with the idea of looking out a shorter route for emigrants than the roundabout one, up the Platte. They were set afoot by the Sioux on Powder River and nearly starved, being reduced to a diet of grasshoppers, but made their way, finally, to Missouri. They started back immediately to guide a train through by the new road. Meeting hostile Indians, they were turned back and compelled to come by the way of Lander's cut-off and Snake River. Bozeman himself went back to Missouri and succeeded in getting a large train to follow him in 1864. His route lay between the Black Hills and Wind River Mountains, leaving the latter to the west and south. Bridger was also taking a train through by his new road west of the Wind River Mountains and down Clark's Fork and had denounced Bozeman's road as impracticable. But although Bridger had several weeks' start and reached the Yellowstone first, his road into Gallatin Valley, up Shield's River and Brackett Creek and down Bridger Creek, was so circuitous that Bozeman reached the valley ahead of him, but lingering there Bridger overtook him, and they raced their trains from the West Gallatin into Virginia, reaching that place within a few hours of each other.

"During the two following years (1865-66) the principal emigration into Montana was by the Bozeman road and across the Bozeman Pass, and many of our leading citizens came over the road in those years and could doubtless tell many a moving tale of accident by flood and field during their long overland journey."

This trail was named for John M. Bozeman, who was a pioneer in opening Eastern Montana to white men. The City of Bozeman, the Bozeman Road and the Bozeman Pass all perpetuate his memory. In April, 1867, he was killed by Indians near the old Crow Agency.

In 1866 the Government attempted to open the Bozeman road from Fort Laramie up the Powder River Valley into Montana and westwardly through the Gallatin Valley to Virginia City. A council was called at Fort Laramie in September, 1867, at which many influential Indians were not represented. They refused to come because they could not consider giving up this beautiful country, their best hunting ground, "the garden spot of the Indians." They knew that opening a road through that country would bring in white travelers and settlers and result in destroying or driving off the game in which this country abounded. "The Indians had given up much but for this country they were willing to fight and die."

Red Cloud of the Sioux refused to come to this council at Fort Laramie. He sent in word that peace would recur only when the Government desisted from its attempt to build the Powder River road as this section was called.

Col. Henry B. Carrington, leading seven hundred men, with Jim Bridger as guide, having a baggage train drawn by two hundred twenty-six mule teams, and a miltary band of thirty pieces to hearten men who had enlisted to fight for the Union and did not want to fight Indians, established Fort Reno, on the Powder River, Fort Phil Kearney, sixty-seven miles north of Reno on the Little Piney Creek, a tributary of the Powder River, and Fort F. C. Smith, ninety-one miles west of Fort Kearney at the crossing of the Big Horn. Thus the war which cost millions of dollars and several hundred lives was begun.

A senatorial investigation committee paid the Indians the following compliment in describing their brave defense of their hunting grounds.

"This war has been carried on by the Indians with most extraordinary vigor and unwonted success. During the time from July 26th, the day on which Lieutenant Colonel Fetterman, with his command of eighty officers and men, was overpowered and massacred, they killed ninety-one enlisted men and five officers of our army, and killed fifty-eight citizens, and wounded twenty more, and captured and drove away three hundred six oxen and cows, three hundred and four mules and one hundred sixty-one horses. During this time they appeared in front of Fort Phil Kearney, making hostile demonstrations and committing hostile acts fifty-one different times, and attacked every train and person that attempted to pass over the Montana road."

Knowing that Congress had in 1864 chartered the Northern Pacific Railroad to run into Montana, President Johnson was not inclined to press the matter of the Bozeman road. After the ambushing of Lieutenant Fetterman and eighty men at Fort Phil Kearney, General Crook ordered Colonel Carrington to evacuate Fort Kearney and retire to Fort McPherson. The journey south was begun January 23, 1867, and through six weeks of zero weather the little expedition worked its way back, in danger not only of the hostile Indians but also of the inclement weather. Carrington temporarily was disciplined for a disaster which was in reality caused by disobedience to his orders. His conservatism and caution had irritated his subordinates into a reckless exposure which brought on the disaster. Soon, however, he was exonerated and restored, but the intervening time was a bitter one for him and Mrs. Carrington.

The Bozeman Trail Abandoned

In April, 1868, a council with the Indians was finally held which resulted in a treaty in which the Government abandoned the road, while the Sioux accepted as a permanent reserve the southwest corner of Dakota, west of the Missouri River and guaranteed in return peaceful transit on the plains.

The President ordered the withdrawal of all troops from the Big Horn country thus abandoning all defense of the Bozeman road. The Indians under the wise leadership of the great Sioux chieftain, Red Cloud, had successfully defended their hunting grounds. In May of this same year, the region thus defended was declared a Crow reservation and white settlers were forbidden to enter. The eastern boundary of this reserve was the 107th meridian, and it lay between the Yellowstone River and the southern boundary of Montana, a vast rich area. But the Indian victory was only a temporary abatement of the ceaseless pressure of whites against the aborigines.

The Piegan War (1869-70)

Friction between the Indians and the white settlers continued; for the Red Men realized that they were fighting for their home. In the summer of 1869 four or five wagons of emigrants were attacked near Fort Benton by Indians, who were afterwards discovered to be Crows. This greatly excited the white settlers who were always in fear of an Indian uprising.

Just after this the brother of Mountain Chief, head of the Piegans, and a young Indian boy, a Blood, rode into the post with special orders from Major Alexander Culbertson. These innocent Indians were shot down by excited whites,—these whites who claimed to be civilized men and Christians. The Piegans were thoroughly aroused when the news of this murder reached them. Mountain Chief realized that he would not be able to check his young braves and so warned the whites and asked them to leave, saying he would not be responsible for what might happen.

Among these white settlers was a certain Major Malcolm Clark, a former agent of the American Fur Company who had retired from its service and had settled in the Prickly Pear Valley near Helena. Here he lived with his squaw, who was a daughter of a chief of the Piegans, and their five children, Helen, Horace, Nathan, Isabelle and Judith. Because of his wife's being a Piegan and because of the high esteem in which he was held among the Indians, Major Clark was over-confident in his safety and did not heed Mountain Chief's warning.

A cousin to Major Clark's wife, Ne-tus-che-o, took advantage of this feeling among the Indians to take vengeance upon the Clarks for a personal grudge he had been harboring for a couple of years. In the spring of 1867, while visiting at Major Clark's home, Ne-tus-che-o's horses together with Major Clark's were stolen. Although some of the Indian's horses were located they were not restored. Ne-tus-che-o felt that Clark was implicated in the robbery in some way, and so he brooded over the loss of his horses which were more precious to him than life. Finally one night, he left taking with him a band of Major Clark's horses, among which was a favorite horse of Horace's. When the theft was discovered Major Clark and Horace rode in pursuit. When they came into the Indian camp, Ne-tus-che-o rode up on the favorite horse. Horace was so enraged that he took the pony from

BIG HOLE RIVER

This recent picture shows a road which did not exist when Chief Joseph with his Nez Perces tried to fight their way to freedom in 1877.

the Indian at the same time lashing Ne-tus-che-o across the face with his riding whip. The Indian never forgave him.

Since the Indians were so aroused against the whites by the murder of Mountain Chief's brother, Ne-tus-che-o gathered a group of young braves and rode to Major Clark's house one night in August of 1869. He professed friendliness, even kissing Horace. He told them that their horses had been found and were a short distance away and asked Horace to go with a certain Indian to bring them. This Indian, after they had gone a little way, shot Horace and left him for dead. Ne-tus-che-o then called Major Clark out of the house on some pretext and killed him.[2] Horace, who was not fatally wounded, crawled back to the house. The family barricaded themselves in a room thinking Ne-tus-che-o would exterminate them all but he was persuaded to leave.

This tragedy led to the so-called Piegan War of 1869-70, for the United States Government demanded the surrender of Ne-tus-che-o. Mountain Chief, the head of 1,500 Piegans, refused to comply with this demand.

Waiting until the winter snows hemmed in the Piegans, Brevet Col. Eugene M. Baker started from Fort Shaw on Sun River, with four troops of cavalry and fifty-five mounted infantry, to discipline them, January 19, 1870. Among the soldiers were Horace and Nathan Clark who had enlisted to avenge their father's death. On the night of January 23rd an Indian village was seen, which was supposed to be the camp of Mountain Chief. Instead, it was the smallpox camp of Heavy Runner, a friendly Indian, whose lodges were filled with sick women and children. Heavy Runner, on hearing the troops, advanced to meet them alone and unarmed. He was fired upon, while holding in his hands the papers which bespoke his loyalty to the United States Government. After this murder, the drunken officer ordered his men to advance and exterminate the camp. According to official reports, this brave army slaughtered here one hundred seventy-three sick Indians and left twenty more badly wounded. The able-bodied warriors were absent hunting. Deeming the Piegans sufficiently punished, the expedition withdrew. When the facts began to leak out, there was great public clamor in the United States against this barbarous slaughter of sick non-combatants. An "investigation" followed and Baker was exonerated by his superior officers.

The Piegans derived their name, it is said, from a chief of that name (meaning Pheasant) who led them in their separation from the Blackfeet. They were an advanced and warlike group. They dressed comfortably in skins decorated with porcupine quills. Their bows were very short, not more than a yard long, and made of ash-wood, bone or horn. On September 1, 1868, the Government forced a treaty upon them whereby they were promised $1,000,000 in return for the cession of their lands. Warfare and smallpox reduced their numbers. The commissioner of Indian affairs reported 2,450 in 1874; since that time their number has diminished but little.

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[2] Malcolm Clark lies buried at the head of the Little Prickly canyon some twenty-five miles north of Helena toward Wolf Creek on the Sieben ranch. Five or six other graves surround his, none of them marked. Thus it is now impossible to identify Clark's resting place. The group of graves was enclosed in 1927 within an iron fence but no tablet tells the story.

The Removal of the Selish

Under the Act of Congress of June 5, 1872, Charlot's little band of Selish were moved out of the Bitter Root Valley to the Jocko River Reservation southwest of Flathead Lake, as provided by the terms of the Hell Gate treaty of July 16, 1855. The Indians left their ancestral home sadly but peaceably. On the whole, the Selish were as well treated, perhaps, as any tribe has been. The 890 Selish shared 1,433,000 acres of as beautiful country as lies under the American flag with 1,000 Pend d'Oreilles and 320 Kootenais.

The Blackfoot Reservation

On July 5, 1873, the President set aside, without treaty, a tract of 17,000,000 acres in the northeastern corner of Montana for the Gros Ventres, Piegans, Bloods, Blackfeet and River Crows, probably numbering nearly 30,000 in all. The total Indian population of Montana about 1870 was said to be 32,412. In 1874 the commissioner reporter 22,486. In 1884, the Indians in Montana numbered only 12,894; yet they occupied 44,000 square miles, nearly one-third the area of the territory. At the present time, there are about 11,000 Indians in Montana, of whom the greater part live on farms owned individually, and the remainder occupy reservations of 3,700,000 acres.

The Sioux War of 1876

Following the "Piegan war" there were no conflicts between the two races of any magnitude for three years. Then, in the spring of 1876, the Sioux war began, led by the Uncapapa Sioux, Tatonka e Yotanka. This man, better known as Sitting Bull, was described by General Miles as a "man of powerful physique, with a large, broad head, strong features, and few words, which were uttered with great deliberation; a man evidently of decision and positive convictions." This great warrior once said to General Miles, "There never was a white man who did not hate the Indian, and there never was an Indian who did not hate the white man."

In harmony with this sentiment were the words of Col. A. K. McClure:

"There are no friendly Indians on the plains. There has been no peace since the settlement of Colorado, although hostile tribes have not confederated to make war until recently. There is not a single nomadic tribe east of the mountains that is at heart friendly with the whites,—not one that does not, when opportunity is offered with apparent safety, steal, and murder if necessary, and often murder wantonly. The Utes, Crows, and some other are the implacable foes of the Sioux and Cheyennes. They have no traditions of peace between their tribes, and they hate each other with a hatred more deadly than they can cherish for the whites. The so-called peaceable tribes are, therefore, only those who are in perpetual, exterminative strife with the tribes openly at war with the Government.

Why the Indians Fought the Whites

The causes of this war of 1876 were numerous. The Indians had seen the building of the Union Pacific across the plains with great dismay and the results of this railroad building in cutting the buffalo herd and injuring the hunting, thereby amply justified the Indians' forebodings. In 1872, another railroad was being surveyed into his country and its building would spell his ruin as a free man. The bison which had been the Indian's chief subsistence,—furnishing food, shelter, and clothing,—was rapidly being exterminated by white hunters.

SITTING BULL

The encroachment of white settlers pointed to a time when the Indian would have no land at all and the treatment which the Indian received at the hands of the white man showed him only too plainly that successful warfare was the only solution to his problem. If he would remain free he must fight and in many instances the Indian knew that his kind would be denied not only freedom but life itself. Not only was their country overrun by the vices of alcoholism; the diseases of smallpox and syphilis were more destructive than war, and whole tribes had been thus exterminated.

Valiantly they contended with courage and fortitude against a race armed with superior weapons and overwhelming numbers. Gen. Nelson A. Miles, a man more chivalrous than most of their opponents, said of them: "The celerity and secrecy of their movements were never excelled by the warriors of any country and they had courage, skill, sagacity, endurance, fortitude and self-sacrifice of a high order. They had rules of civility in their intercourse among themselves or among strangers or in their councils. Among their own tribes and people they had a code of honor which all respected. An Indian may leave his horse, blanket, saddle, etc., any place by night or day and it would not be disturbed although the whole tribe might pass near."

In addition to all the injuries heaped upon the Red Men by the Anglo-Saxon, he was called upon to bear the indignities of broken treaties which in many instances were only piratical usurpations of the ancestral domains. Experience quickly taught the Indians that the white man's treaties could not be relied upon and that once having yielded territory they would be continually called upon to yield more.

Again, the Interior Department, which handled the Indian affairs on the reservations, failed to employ strictly honest men as its agents. The many ways of cheating the Indians out of the goods which had been stipulated by the treaties were too numerous to mention here and in many instances this chicanery resulted not only in loss of goods to the Indians but in actual starvation. With the disappearance of the game the means of independent subsistence was taken from the Indians and thousands died. As one historian puts the matter "some of the great fortunes in Montana were built on the bones of starved Indians." Thus the Indians had justification for their attempt to expel the invaders from their territory.

The Battle of the Little Big Horn

In the case of this battle, as is true with most of the events of human history, we find the causes far back. Lieut. Col. W. A. Graham in his account gives us a background for this battle which was the greatest victory ever won by the Indians over white soldiers. It has been classed as a greater triumph than Braddock's defeat.

In 1868, the Government concluded a treaty with the Dakotas (the Indians generally known and referred to as the Sioux Nation), which set off to that numerous and warlike people a large territory in the Northwest to be their own forever. It included their favorite hunting-grounds, the Black Hills, and certain lands adjoining; and the Sioux, for the most part, were satisfied. Then came the discovery of gold in the Black Hills, and the inevitable resulting inroads of covetous whites.

In 1874, an expedition under the command of Maj.-Gen. George A. Custer was sent into the Black Hills by the Government, to reconnoiter and explore the country. The Sioux, quite naturally, became perturbed and resentful over this invasion of their lands; and during the year 1875, their protests having gone unheeded, it became apparent that resistance was imminent. Some few of the Dakotas had never accepted the treaty of 1868, and to these malcontents were now joined hundreds of protestants against the violation of their treaty rights.

In the early spring of 1876, the Sioux and Cheyennes had become utterly desperate. They had besieged Fort Pease, a trading post, killing six and wounding eight white persons. The Federal Government determined to take aggressive steps to subdue them and so a military campaign was planned. Gen. John G. Gibbons was to advance from Fort Ellis, Montana, which defended Bozeman on the east; the second division was to move north out of Wyoming under Gen. George G. Crook; and a north division, led by Gen. Alfred H. Terry, would move westward from Fort Yankton in Dakota Territory. With Terry came Custer's cavalry from Fort Abraham Lincoln. On June 21, Gibbons' column met Terry's at the mouth of the Big Horn on the Yellowstone River. Four days earlier, General Crook's command with less than a thousand men had been attacked by a band of Indians on the Rosebud River but had been able to repulse the attackers. It was evident that the army would have to contend with a larger number of warriors than had been expected. The commanding officers including General Sheridan had estimated the Indians under arms at about one thousand. Instead of that the soldiers were called upon to face several thousand well-armed Indians.

General Terry reached the mouth of the Powder River on the Yellowstone on June 10. He then sent Major Reno with six troops of the Seventh Cavalry to scout the valleys of the Powder and Tongue rivers in search of the Indians. Reno discovered a fresh trail leading up the Rosebud. "This he followed for a short distance and then, retracing his steps, cut across the country to the command near the mouth of the Rosebud, its point of confluence with the Yellowstone." After receiving Reno's report, General Terry called his subordinates, Gibbons and Custer, on board the supply steamer, *Far West,* for a conference. Here he laid out to them the plan of his intended operations.

"In brief, the plan was that Gibbons, whose column of about four hundred men was composed largely of infantry, should proceed south along the banks of the Big Horn River, some fifty miles to the west, while Custer, with the entire Seventh Cavalry, would ride south, up the Rosebud, until he reached the trail which Reno had discovered on the scouting trip a few days before. He was then to ascertain in which direction the trail led; and if, as General Terry surmised, it led to the valley of the Little Big Horn, Custer was to follow the trail no further, but, sending scouts over it, he was to proceed south until he reached the headwaters of the Tongue, and there swing west and north, timing his marches to conform to the estimated progress of Gibbons' column, so that the two might reach the vicinity of the Little Big Horn Valley at about the same time on the twenty-sixth, and so be in position to cooperate with each other in any fighting that might occur. And to Custer was detailed one of the best of Terry's scouts, George Herendeen, who was to be used as a courier to inform Terry, who had decided to march with Gibbons' column, of the movements of the Seventh, and its information of the enemy."

The plan of operation seems clear but the written instructions given to Custer were not so clear. They were as follows:

> Camp at the Mouth of Rosebud River,
> Montana Territory, June 22nd, 1876.
>
> Lieut.-Col. Custer, 7th Cavalry.
>
> Colonel: The Brigadier-General commanding directs that, as soon as your regiment can be made ready for the march, you will proceed up the Rosebud in pursuit of the Indians whose trail was discovered by Major Reno a few days since. It is, of course, impossible to give you any definite instructions in regard to this movement, and were it not impossible to do so the department commander places too much confidence in your zeal, energy and ability to wish to impose upon you precise orders which might hamper your action when nearly in contact with the enemy. He will, however, indicate to you his own views of what your action should be, and he desires that you should conform to them unless you shall see sufficient reason for departing from them. He thinks that you should proceed up the Rosebud until you ascertain definitely the direction in which the trail above spoken of leads. Should it be found (as it appears almost certain that it will be found) to turn towards the Little Horn, he thinks that you should still proceed southward, perhaps as far as the headwaters of the Tongue, and then turn towards the Little Horn, feeling constantly, however, to your left, as to preclude the possibility of escape of the Indians to the south of southeast by passing

IN THE ROSEBUD VALLEY

around your left flank. The column of Colonel Gibbons is now in motion for the mouth of the Big Horn. As soon as it reaches that point it will cross the Yellowstone and move up at least as far as the forks of the Big and Little Horns. Of course, its future movements must be controlled by circumstances as they arise, but it is hoped that the Indians, if upon the Little Horn, may be so nearly inclosed by the two columns that their escape will be impossible.

The department commander desires that on your way up the Rosebud you should thoroughly examine the upper part of Tulloch's Creek, and that you should endeavor to send a scout through to Colonel Gibbons' column, with information of the result of your examination. The lower part of this creek will be examined by a detachment from Colonel Gibbons' command. The supply steamer will be pushed up the Big Horn as far as the forks if the river is found to be navigable for that distance, and the department commander, who will accompany the column of Colonel Gibbons, desires you to report to him there not later than the expiration of the time for which your troops are rationed, unless in the meantime you receive further orders.

Very respectfully,
Your obedient servant,
E. W. Smith,
Captain, 18th Infantry,
Acting Assistant Adjutant-General.

Custer had won a reputation for himself as an Indian fighter. Since the Civil war most of his time in service had been spent against the Indians. Moreover he was in command of the Seventh Cavalry, which although it now contained many new recruits, was considered one of the best regiments in the service.

On June 22, Custer started up the Rosebud and on the same day Gibbons' command, personally accompanied by General Terry, moved for the mouth of the Big Horn.

We must pause now to consider the mood which was upon General Custer when he entered upon this campaign. In spite of his brilliant service in the Civil war and later against the Indians in the West, Custer was made a victim of the feud between the civil authorities governing the Indians and the military authorities.

"One of Grant's cabinet, Belknap, was found to be parceling out Indian agencies to unscrupulous persons for profit. Grant was both chagrined and mortified at the exposure and the consequent scandal connected with his administration. Custer, who had formerly been high in the President's esteem, spoke freely of having seen in the hands of private individual sacks of grain bearing an agency brand. He was summoned from the front to Washington to testify before a congressional investigating committee. He called upon the President, who declined to receive him. This was just at the crucial time when every soldier of the western frontier was on the *qui vive*. Preparations were on foot for the great campaign against the Sioux,—that relentless fight to the death for possession of the land. Grant took advantage of this opportunity publicly to humiliate and punish Custer. He ordered the Secretary of War to forbid him to join his regiment which was then ready for duty on the Upper Missouri. Custer was cut to the quick. To a man of his proud spirit the shame of this order was insupportable. He wrote to the President:

> Headquarters Department of Dakota,
> Saint Paul, Minn., May 6th, 1876.
> Adjutant General,
> Division of Missouri, Chicago.
> I forward the following:
> To His Excellency the President
> (through Military Channels):
>
> I have seen your order, transmitted through the General of the army, directing that I be not permitted to accompany the expedition about to move against hostile Indians. As my entire regiment forms a part of the proposed expedition, and as I am the senior officer of the regiment on duty in this department, I respectfully but most earnestly request that while not allowed to go in command of the expedition, I may be permitted to serve with my regiment in the field.
>
> I appeal to you as a soldier to spare me the humiliation of seeing my regiment march to meet the enemy, and I not to share its dangers.
>
> (Signed)
> G. A. Custer,
> Bvt. Maj. Genl. U. S. Army.

CUSTER BATTLEFIELD OF TODAY

General Terry added to this appeal:

> In forwarding the above, I wish to say expressly, that I have no desire whatever to question the orders of the President, or of my military superiors. Whether Lieut. Col. Custer shall be permitted to accompany my column or not, I shall go in command of it.

> I do not know the reasons upon which the orders already given rest; but if those reasons do not forbid it, Lieut. Col. Custer's services would be very valuable with his command.
>
> (Signed) Terry,
> Command Department.

As a result of this appeal Custer was permitted to lead his regiment. He doubtless went into this battle with a desperate determination to achieve a brilliant success and thus redeem himself in the eyes of those who had unjustly criticised him. He "had desperately resolved to rise to victory or to death."

General Terry had great confidence in him and gave him great latitude as was shown in his written instructions.

For three days (June 22nd, 23rd, and 24th), General Custer's command marched up the Rosebud. The trails and signs of the Indians were growing fresher constantly. He had marched in all seventy-three miles up the Rosebud when he made camp on the 24th. Here Custer, together with his adjutant, Cooke, divided the regiment into squardons.

"One squadron he assigned to Major Reno, the only field-officer, save himself, present with the regiment. This battalion consisted of Companies A, G, and M, under the commands of Captain Moylan, Lieutenant McIntosh, and Captain French, respectively. The second he gave to the senior captain, Frederick W. Benteen, Lieutenant Godfrey, and Captain Weir. It is doubtful whether further battalion assignment was made, though it has been supposed that three companies were given to Captain Yates and two to Captain Keogh. The five companies which may have been so divided were C, E,, F, I, and L. Of these, the first was commanded by General Custer's own brother, Capt. Tom Custer; E, by Lieut. Algernon Smith; F, by Captain Yates; I, by Capt. Myles Keogh, and L, by Lieutenant Calhoun, Custer's brother-in-law. Whether battalion assignment of these five companies was in fact made is immaterial, since Custer retained them all under his personal command. B Company under Captain McDougall was assigned to the convoy of the pack-train, to which duty each of the other companies contributed one non-commissioned officer and six privates. Each of the latter was assigned to lead two pack-mules."

Benteen was ordered by General Custer to proceed to the left to scout the bluffs that were visible several miles distant.

"Custer and Reno, following the opposite banks of the tributary, proceeded cautiously for about nine miles. Their lines of march were almost parallel; sometimes close together, sometimes as much as three hundred yards apart. At two p. m. Custer motioned with his hat for Reno to cross to the right bank, and the two columns then moved side by side, so close that the men freely conversed from one to the other."

Shortly after two o'clock a lone tepee was sighted. Custer immediately bore down upon it at a stiff trot. It proved to be the remnant of a freshly abandoned Indian village, all the tepees of which had been removed except this one, which was found to contain the dead body of a warrior. This "dead warrior tepee" was located on the south bank of the middle branch of the tributary now known as Reno Creek, and about three miles from its confluence with the Little Big Horn.

It was now about 2:15 p. m. As the command reached the tepee, which had been set afire by the Indian scouts who preceded the troops, a heavy dust-cloud was seen, apparently some five miles distant, across the river, and down the Little Big Horn Valley. At the same moment, Fred Girard, a civilian interpreter, rode to the top of a small knoll, a short distance away, from which he saw a party of some forty Sioux between the troops and the river. They appeared to be in flight downstream.

Girard turned in his saddle and shouted to Custer, "Here are your Indians—running like devils." Instantly Custer ordered the Indian scouts ahead in pursuit but they refused to go. To shame them he demanded that they give up their ponies and rifles, and turning to his adjutant, he gave the order that precipitated the action and proved fatal to his regiment.

Reno, at the head of his battalion, was just coming up. To him rode Cooke and said, "General Custer directs that you take as fast a gait as you deem prudent, and charge afterward, and you will be supported by the whole outfit."

At this time Benteen was probably eight or ten miles distant. He was not within cooperating distance, neither had his orders contemplated cooperation with any other part of the regiment.

General Custer was going on the supposition that the Indians were fleeing. Some of the Indian scouts, however, soon observed that the Sioux had sighted Reno and were streaming up the valley to meet him. They galloped back to send this report in to General Custer.

In the meantime Reno had advanced as ordered. He halted and reformed his command before sweeping on toward the Indian village. He sent a message to Custer telling him that he had the enemy in force in front.

When the dust, which the Sioux had stirred up to conceal their movements, had cleared away, Reno saw confronting on his front and left more mounted warriors than the military authorities had estimated that Sitting Bull had in his whole force. The little band of one hundred and twelve men fought bravely. Reno ordered his men to dismount and the horses were driven into some timber for protection. When Reno saw the Indians edging through the timber and realized that they were going to try to either stampede or kill the horses, he realized that he and his men must either make a dash for safety or be annihilated. He chose the former and ordered his men to mount. Reno led his column with pistols drawn, charging into the horde of Indians which gave way to let the soldiers pass, and instantly closed in. Some of the men who were a little behind were lost. The Sioux pursued the fleeing column pouring a steady fusillade of bullets into the jammed and panic-stricken troops after they had been forced into the river.

"At the place of Reno's crossing in retreat, the right bank rises abruptly to hills that tower above the stream. The panting men and horses struggled up the rise, and there Varnum, having now stopped the flight of the leaders, was reforming them when Reno, hatless, excited, and out of breath, reached the top. As the scattered remnants of his three troops, some wounded, many without mounts, all discomfited and disorganized, were gathered together, they were posted hastily to fend off the expected rush of the Sioux.

"Had the Sioux followed him across the river in attack, as he had every reason to apprehend they would do, there can be no question that his command would have been as completely obliterated as was Custer's later in the day. Many of the warriors did, in fact, ford the river above the command, and were advancing up the slopes and ravines to intercept the retreat when the attention of the greater part of the Indian force was for the time diverted to another part of the fatal field.

"Where during all this time was Custer; and where Benteen? The question was in the mind and upon the lips of every man of Reno's stricken battalion, as it crouched apprehensive on that hill, hoping, praying for aid, expecting every instant to find the Sioux again upon it."

Benteen was carrying out orders, exploring to the left, looking for Indians and finding none. Here the lands were truly "bad lands," so cut by gullies and ravines that they were almost impassable for anything except mountain goats. Here he received Custer's last message, "Benteen—Come on—Big Village—Be quick—Bring packs." He hurried forward. As he came to a rise of ground he saw an overwhelming force of yelling Sioux riding down and killing the last of Reno's command which had been left behind in the mad rush for the bluffs. He then sighted Reno's men on the bluff.

"Benteen's battalion drew pistols and trotted forward. As they approached the hill, Reno, dismounted and with his head tied with a handkerchief, ran breathless out to meet them. 'For God's sake, Benteen,' he shouted, 'halt your command and help me. I've lost half my men.' A minute later and Benteen's battalion had joined the remnants of Reno's on the top of the hill."

Reno was beside himself, his nerves unstrung, his self-control and his force was disorganized. Benteen took command.

The Sioux did not remain long. The greater force had ridden pell-mell down the valley. Only a few now remained to watch and harass them with long-distance fire.

While the last of Reno's men were arriving on the hill immediately after Benteen's arrival, firing, heavy and continuous, had been heard. It came from downriver. Some one was fighting there, and furiously. The Indians opposed to Reno had heard it too and had ridden by hundreds in that direction.

Benteen had shown Custer's message to Reno immediately upon joining him. He had asked Reno as to Custer's whereabouts. Reno did not know, nor did any of his command: no word of any kind had come from their chief since the attack order at 2:15, and it was now near 4:30. More than two hours had elapsed since they had parted at the lone tepee. Custer had not crossed the river at the southern end of the village; that was certain. He had not gone back toward the packs; that also was certain. He must be to the north, down-stream, for Martin had come from that direction. It was surely Custer who was engaging the Indians below.

As they listened and wondered on the hill, two distant volleys rang out. Weir, commander of D Company, sprang to his feet, exclaiming to his lieutenant, Edgerly, "That's Custer."

"Yes," Edgerly replied, "and we ought to go down there."

Weir thought a moment. "I'm going to ask them; but if they won't take the command, are you willing to go with D Company alone?"

Edgerly replied affirmatively and Weir strode away. He spoke heatedly with Reno, then, alone but for his orderly, he rode to the north.

Edgerly, supposing that permission had been given, followed with the company. They advanced a mile or more down-stream until from a high point they could see the Indians, some of whom were gathered in groups, while other rode about, shooting at objects on the ground. But no engagement was in progress. Whatever of combat there had been was finished now; and if the sounds of battle they had heard, the volleys that had reached their ears, had indeed come from Custer it was evident that he was no longer fighting there.

Weir and his troop, searching out that field with straining eyes, wondered what had become of their commander. Little did they imagine the truth. Nor did any member of Reno's command, which soon followed Weir's advance, draw any other inference from what they dimly saw in the distance than that Custer had found the Sioux too strong and, repulsed, had gone to join forces with the advancing columns of Terry. They had but to hold their own yet a little while, they thought, and Custer would come charging back again with reinforcements.

Soon the Indians began to press upon Benteen, who had followed and reached Weir. They determined to retire to the hill they had just left and there to stand and fight. The attack lasted until a merciful darkness, settling down upon the hills, put an end to the conflict.

"That night, in the Indian village across the Little Big Horn, there was revelry and celebration. That night, among the little band of soldiers on the hill, there was feverish preparation for defense against the attack that all knew would be renewed with the first blush of daylight; and many were the muttered curses, both of officer and man, that Custer and his five companies had deserted them.

"All night long the little band burrowed in the dusty, flinty ground, scooping out, with such implements as they could improvise —for three spades and two axes were the only tools they possessed —shallow holes which would afford some cover. Working, perforce, with knives and spoons, all except Benteen's company dug in as best they might. During the night, positions hastily taken the evening before were revised; gaps in the line were closed; the animals were picketed and protected as much as the terrain would permit."

At daybreak the attack began, the Indians firing from cover. From time to time on the twenty-fifth bugle calls were heard. The soldiers also saw among the Indians men in white men's clothes, even in uniform. This distracted the soldiers between their alternate hope that relief was coming, and fear that deserters were fighting with the Sioux.

Not until long afterward was the truth revealed; that the Sioux had stripped the clothing from Custer's dead, soldiers and civilians alike, and had donned it in the hope of drawing Reno's men from their secure position; that the bugle which they had heard had been torn from the body of an ill-fated trumpeter of Custer's battalion, and had been sounded by an Indian warrior with the same crafty purpose.

All that day they fought, now charging to disperse the Indians near their front, now retreating to shelter. When night came bringing temporary relief, they buried some of the dead and shifted their position to be nearer water and get away from the stench of the dead animals. But all the time and in each man's mind was the question, "Where is Custer? Why doesn't he come?"

During the morning of the twenty-sixth, Terry's scouts came upon some Crow scouts who informed them that Custer and hundreds had been killed by the Sioux and that the survivors were besieged and in dire distress.

Although he could hardly believe this report Terry urged his column forward and this approach which called the Sioux from their concentration on the remnant of Reno's command was all that prevented its annihilation.

On the twenty-seventh, Terry with Gibbons' command marched up the valley. Terry's scouts could see from a rise of ground certain objects gleaming white in the glare of the morning sun. Nearer approach showed them to be the naked bodies of more than two hundred white men, cold in death, and about and among them, the carcasses of many horses. Word was sent to Terry.

Reno's men saw the column advance but could not tell whether it was friend or foe. They feared that the Indians might be imitating soldiers. When the column came up the same questions burst from men on both sides, "Where is Custer? Have you seen him? Why is he not with you?"

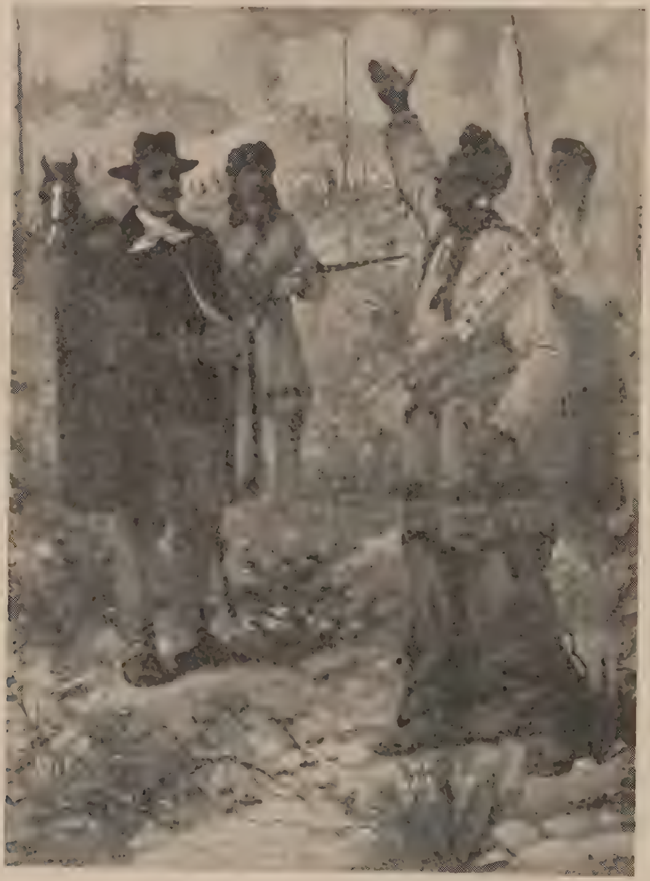
That afternoon Benteen, accompanied by a party of officers was led by Lieutenant Bradley to the scene of Custer's last fight. What they found there and what they saw is all that ever has been known, probably all that ever will be known of the manner of his fate; for save such tales as were long afterward wrung from unwilling members of the Indian horde that snuffed him out, and with him every officer and soldier of his command, no witness to the tragedy was ever found. The evidence of the stricken field alone remained to bear mute testimony of a gallant, desperate combat to the death. One living thing they found upon that field,—one only: the horse "Comanch," Keogh's mount.

No one knows certainly to this day what route Custer took after leaving Reno's trail. No one knows why he changed his plan to follow Reno in support. The only ones who knew died with him.

Every body, except Custer's had been mutilated. Every one had been stripped. In examination of one body, it was evident that when the Indians came upon an *Agnus Dei* they had not disturbed it further.

"And so ended the battle of the Little Big Horn. Upon the fatal field where Custer and his five companies fought and fell there were recovered more than two hundred bodies; and these, with few exceptions, were buried where they lay, in shallow graves. Some were never accounted for; but from that day to this, no trace of a single survivor has ever been found. They were utterly exterminated; not one escaped the fury of the Sioux. Even Thermopylae spared one."

The death of the two hundred sixty-two officers and soldiers who thus died has often been called a massacre. It was not a massacre but open warfare by disciplined troops in a battle in which the aggressive party was the defeated one. There is no reason to doubt General Custer's devotion to duty, his sincerity of purpose, and the heroism of his conduct. Nevertheless, he was fairly defeated in open battle. Major Godfrey gave three reasons for Custer's defeat, namely: "1. The defective extraction of the empty cartridge shells from the carbines of the soldiers. 2. Overpowering numbers of the enemy and their concentration on Custer. 3. Major Reno's panic rout with his battalion from the valley of the Little Big Horn." Major Godfrey being an active army officer at the time these reasons were alleged, he was not free to state the principal cause of this singular defeat, namely, poor military



SURRENDER OF CHIEF JOSEPH

strategy and lack of sufficient knowledge of the enemy's strength among the commanding generals.

This defeat stimulated the activity of the United States army. Generals Crook and Miles fought through the ensuing winter with much suffering to their army but in the next year's campaign they were able to defeat the Indians and force them to occupy the reservation which had been assigned to them.

Sitting Bull and his band could not be forced to surrender. They made good their retreat into Canada.

Chief Joseph's Retreat

Scarcely were the Sioux defeated when the Nez Perces rose in defense of their ancestral domains which lay in the beautiful and fertile valley of the Snake River in Idaho. These Indians were notably honest and friendly until this time. The first blow to their friendship came in 1862 with the planting of the Town of Lewiston in the very heart of the country which had been guaranteed to them as a reserve in 1855. The following year, 1863, the United States Government negotiated a treaty with them by which the Clearwater country was opened to white settlers, but many of the Nez Perce braves refused to recognize this treaty or abide by it because they had not personally agreed to the treaty. "The Indians never reached a point at which they recognized a tribal government competent to bind by its action all the members of the tribe." The leader of these non-treaty Nez Perces, as they were called, was Chief Joseph. Chief Looking Glass and White Bird were also important among them.

These non-treaty Indians finally broke away from the majority of the tribe of the "treaty Nez Perces" and withdrew to the fastnesses of the mountains near what is now called White Bird Canyon. Gen. O. O. Howard, who was in command there at that time, has estimated the "treaty Nez Perces" at about two thousand and the "non-treaties" at about seven hundred including men, women, and children. The "non-treaties" had a force of fighting men numbering three hundred and twenty-five. General Howard says that this force had been augmented by renegade Indians who joined for the sake of plunder and did not bring their families.

The "treaty" Nez Perces so feared the raids and massacres of these "non-treaties" that they scattered, many of them going to join neighboring tribes.

In 1876 the Government sent a commission to treat with Joseph and bring him to terms. General Howard gives in detail the councils which were held in May, 1877. It is interesting to note in these conversations that the minds of the Indians and the whites never met. Their thought processes were so different that there seems to have been no common meeting ground upon which any real agreement could be made. General Howard claims that after an old Indian whom he calls the Old Dreamer was separated from them, Joseph, Ollicot (his brother), White Bird and Looking Glass were amenable and pleasant. They went with General Howard and Mr. Montieth to select what lands they would accept. They then returned to Fort Lapawai again and General Howard states, "All came together, Indians and white men, near the adjutant's office. Their petition to release the old "Dreamer" had been granted.

Then they each entered into a formal agreement with the agent and the army to be put on the Lapawai reservation on one month, i. e. by June 14."[3]

Professor Paxson accepts the opinion that Joseph was steadfast in his refusal to go on a reservation. "Attempts were made by President Grant to bring Chief Joseph to terms, the Secretary of the Interior, Zachariah Chandler, being sent on a mission to him in 1876; but Joseph remained moderate, obdurate and firm in his refusal. The next year a casual brawl gave occasion for punishment, and the Nez Perces fled from the Snake Valley."[4]

Directly after these councils, however, the "non-treaties" began making hostile demonstrations. It seems an Indian had been killed by a white settler. The settler claimed it was in self-defense. The affair had not been sifted out yet and some of the Indians took matters in their own hands. A number of white settlers were killed; a great many came into the fort for protection and sent urgent messages to General Howard for aid. Chief Joseph afterward claimed that only three Indians were party to these crimes.

When Chief Joseph learned that General Howard was coming with the army he knew that punishment would be meted out to the Indians indiscriminately. He determined to make a stand and then retreat into Canada.

General Howard dispatched two troops of cavalry, which met the Indians in battle and were repulsed with a loss of twenty-four men. Shortly before this engagement, twenty settlers had been attacked and killed near Mount Idaho.

Chief Joseph, in command of a band of about three hundred warriors with some four hundred women and children, decided upon a retreat to Canada. They started over the old Lolo Trail into the Bitter Root Valley. As soon as this movement became known to General Howard, messengers were sent to the nearest telegraph station to wire General Gibbons, commander of the district of Montana, who was then at Fort Shaw, requesting that he intercept Chief Joseph.

In response to General Howard's request, Captain Rawn, in command at Fort Missoula, was ordered to watch for the Nez Perces. His scouts failed to find any traces of the Indians; and the report of this fact led the garrison to believe that the Indians were not coming in their direction. A few hours after this conclusion had been reached, two runners arrived with a message from Chief Joseph, stating that his column was approaching through the Lolo Pass, and, if permitted, they would proceed peaceably through the valley. The runners were arrested and imprisoned until the end of the war. It was the intention of Chief Joseph to pass through the Flathead country and to enter Canada by the Kootenai Pass.

This alarm spread panic through the Bitter Root Valley. Rawn had then only a hundred soldiers under his comamnd. He left twenty to guard the pass and he took fifty soldiers reinforced by a hundred civilians and marched up to Lolo Pass. Halting at the mouth of the canyon, they constructed a barricade to give protection to the valley. Again Chief Joseph requested a passage through the valley, to which request Rawn replied that every warrior must surrender his arms in exchange for this permission. For two days the two forces confronted each other. In the meantime, the Selish Indians signified to the Nez Perce chieftain their intention to fight on the side of the whites in case of open conflict.

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[3] Howard, O. O.—*Nez Perce Joseph* (Boston 1881), 72.

[4] Paxson, Frederic Logan,—*History of the American Frontier*, 508.

By a bit of clever strategy, Chief Joseph moved his band around the obstruction and crossed the Bitter Root Valley without bloodshed. White Bird urged haste in the dash for Central Montana. But Chief Looking Glass, being over confident, would not listen to this counsel. The delay thus caused gave General Gibbons time to bring troops from Fort Benton and Fort Shaw and to force the Nez Perces southward.

On August 9, 1877, the battle of the Big Hole Basin was fought near the mouth of the Big Hole River, in what is now the northern part of Beaverhead County. In this battle some of the settlers of the Bitter Root Valley participated in support of General Gibbons. The United States forces were bady beaten and the battle proved to be almost a massacre. And when we consider that the soldiers attacked the sleeping village at daybreak on the morning of August 9, 1877, killing the Nez Perce women and children in their beds, we do not wonder that the warriors' hearts were "bad" after this battle. Gibbons sent the following dispatch to Governor Potts: "Had a hard fight with the Nez Perces killing a number and losing a number of officers and men. We need a doctor and everything. Send us such relief as you can." Gibbons lost twenty-four of the regular troops and six citizens as well as many wounded. The news of the Big Hole disaster reached Helena at 9 o'clock, August 11. Early that afternoon two doctors with hospital attendants, Father Palladino, and two Sisters of Charity, left to aid the wounded and dying. Butte likewise furnished prompt and effective aid. It was not known at that time where the Indians might again attack and the Montanans were in constant expectations of an Indian surprise.

After the battle, the Indians' squaws marched south, crossing the Utah stage route on August 16. A day after, the fighting men followed. The Indians did not trouble the people of the Lemhi Valley, but they met with some resistance on Horse Prairie and killed five whites.

The Nez Perces had not expected any resistance from the citizens of Montana. They did not realize that the United States army was simply a fighting arm of the same great organization of which the Montana whites were a part. They could not understand civilized organization for government.

At a meeting held at Virginia City, James E. Callaway, late colonel of an Illinois regiment, was elected captain of the volunteer company then formed. Thomas J. Farrell and his partner, O. B. Varney, were owners of a large horse ranch. Farrell stopped his haying crews and supplied the volunteer band with forty-two horses. Great excitement prevailed in Virginia City and Helena, for the Nez Perces had the advantage of Howard's command. A detachment of fifty regular cavalry were sent to his assistance from Fort Ellis, near Bozeman; and this troop made Virginia City, seventy miles, in less than a full day's marching. The next ninety miles was made without stop, except for coffee for the men and a few minutes' rest at intervals for the horses.

On the southward journey the Indians traveled much faster than the white pursuers. In the van of the whites went the cavalry with jaded horses, the Virginia City militia next, and almost a day's march behind them were the infantry belonging to Howard's command.

At daybreak of August 20th, a few of Chief Joseph's warriors completely stampeded Howard's camp, drove off a band of their mules and completely disorganized the camp. Only one soldier was killed and six wounded, but the pursuit was delayed for another day.

The Nez Perces, overcoming their superstitious fears of the evil spirits in Yellowstone Park, went into that region. Here they encountered a party of tourists from Radersburg, part of whom they held in captivity for three weeks and then released unharmed. At Tacher's Pass, near Henry Lake, the exhaustion of supplies forced General Howard to discontinue his pursuit. Howard telegraphed his superior for orders and was told: "Where Indians can subsist, the army can live. * * * The country and Government expect you to do your duty. No troops near enough to take your place. Continue the pursuit. If you are tired, General, put in a younger man and return to Oregon; but the troops must go on."

A four days' rest and fresh supplies from Virginia City enabled Howard to continue into Yellowstone Park. The chasm of the Yellowstone proved an obstacle that delayed the wagon train for several days so that the mounted troops were forced to abandon it here. It later got across and went to Fort Ellis.

From Yellowstone Park, the Indians swung northward into the Musselshell Valley. Continuing their flight northward, they met with further resistance at Cow Island near Fort Benton. On the northern side of the Bear Paw Mountains, on September 30, General Miles attacked Chief Joseph's band and the fighting continued until October 5. Of the United States army twenty-three were killed and forty-four wounded. Of the Indians seventeen were killed and seventy-eight escaped. (Captain Romeyn reported one hundred four to have escaped.) The rest surrendered and were taken to a reservation in Indian Territory. The captives numbered eighty-seven men, one hundred eighty-four women and one hundred forty-seven children.

The commissioner of Indian affairs in his report for this year 1877, stated that "Joseph observed the rules of civilized warfare, and did not mutilate dead enemies." General Shanks remarked that "Joseph's party was thoroughly disciplined; that they rode at full gallop along the mountain side in a steady formation by fours; formed twos, at a given signal, with perfect precision, to cross a narrow bridge; then galloped into line, reined in to a sudden halt, and dismounted with as much system as if regulars." The Nez Perce mountain Indians were taken far south into the Indian Territory and there, unaccustomed to the warm, damp climate these Indians rapidly perished. An effort was later made to persuade the Government to return them to the region of their ancestral home, but this effort was unsuccessful.

Sitting Bull Returned to the United States

For some unknown reason, the great Sioux chief, Sitting Bull, who had escaped, after Custer's defeat, into Canada, was unwilling to remain. It is possible that the Canadian government persuaded him to return, for he surrendered and was placed with other Sioux on the Pine Ridge Reservation. He was quiet for several years but when the Government began to shorten the rations handed out to the Sioux, trouble began again. There could be no buffalo hunting, for these noble animals were gone. Only the treaty-rations remained to prevent starvation. Then, in 1890, a spiritual leader excited the Indians and the Federal Government feared an outbreak, for Sitting Bull had eagerly embraced the new religion. Indian police were sent to arrest him; he consented at first to go with them but rage got the better of the old warrior and he finally resisted. A shot was fired by one of his people, killing one of the police; thereupon another policeman shot Sitting Bull. With him perished all military capacity among the Indians, and the era of the Red Man in America was ended.

The Destruction of the Buffalo Herd

The building of the Union Pacific Railroad cut the bison herds into two great divisions thereby driving into Kansas a huge collection of the great dun-colored brutes. This buffalo herd might have been conserved into one of the state's great economic resources but, instead, it was rapidly squandered. In 1870, said Hornaday in his *Extermination of the American Bison*, a half million head of bulls could have been slaughtered annually without reducing the herds. This slaughter would have been worth $2,500,000 to the people of the United States, estimating the robe worth $2.50, the tongue twenty-five cents; the meat of the hind quarters two dollars; the bones, horns, and hoofs twenty-five cents; and, if the Government had levied a tax of fifty cents each on the robes sent to market, such a tax would have been doubly sufficient to police the plains for the enforcement of laws for the maintenance of this source of wealth.

From 1876 to 1884 a single firm in New York City bought a million dollars' worth of hides. The report of a Minnesota fur dealer shows clearly the quick decrease in the production of buffalo hides and robes in the market. Taking the robes and hides together, this firm purchased twenty-six thousand in 1881; forty-five thousand in 1882; eight thousand in 1883; and in 1884 they purchased less than two thousand five hundred hides, and these were probably carried over from the previous season in the Northwest, and were not fresh-slaughtered skins. The collection of robes this season was also comparatively small, and included many robes carried over from 1883. In 1885 the collection of hides amounted to little or nothing. The aforesaid goods were all purchased direct in the Northwest, that is to say, principally in Montana. It is a well-known fact that soon after the Northern Pacific Railroad opened up that portion of the country, thereby making the transportation of the buffalo hides feasible, that is to say, reducing the cost of freight, thousands upon thousands of buffaloes were killed for the sake of the hides alone, while the carcasses were left to rot on the open plains.

The building of the Union Pacific, and the settlements along its right-of-way which followed the completion of the track in 1869, cut the buffalo herds of the Great Plains into two divisions. The southern division of bison during the short period of its existence, had its geographical center near the present site of Garden City, Kansas. Even as late as 1872 large herds were to be seen as far east as Wichita, then the rendezvous of thousands of skin hunters. The principal feeding ground of this herd was between the South Platte and Arkansas rivers. The number of this herd in 1871 was estimated at three millions and in some places this figure is even higher.

As the railroads thrust their branch lines into every river valley the herd was rapidly slaughtered. Every man out of a job turned hide hunter. Merchants in the little towns outfitted these men so that between 1871 and 1874 little was done in the region except to slaughter buffalo. Central depots were established from which buffalo hunting parties operated. Immense piles of buffalo skins were heaped up at these stations; sheds for the curing of meat were erected; and the slaughter became a well organized industry.

At first great wastefulness prevailed. Everyone wanted to handle the guns and no one was willing to wield the skinning knife. Many thousands were killed and never skinned. Unskilful markmanship wounded many animals which died away from the field of operations and their hides were never salvaged. The wolves and coyotes soon spoiled the hide of any beast that was not skinned the same day it fell.

But the climax of wastefulness was the process of skinning by horse power. The skin was first ripped up the throat and belly, and legs cut around at the knees and ripped to the first cut. Back of the head the neck was similarly circumcised and skinned back a few inches to afford a start. Then a stout iron bar was staked into the skull to hold the carcass in place. A team of horses was attached and whipped up so that the skin was "yanked" off with a sudden jerk which often split the hide destroying its value completely. This "lazy man's system" was discontinued as soon as the bison began to get scarce.

The lack of skill in shooting and of knowledge of preserving the green hides caused each hide sent to market to represent two to five dead animals. In 1873 the Santa Fe Railroad carried out 251,443 robes, 1,617,600 pounds of meat, and 2,743,100 pounds of bones. The hunters lined the watercourses so that they could slaughter without traveling. Needless to say, the air was heavily offensive from the thousands of putrescent carcasses, for scavenger animals could not consume them completely. The cattlemen later suffered from the unbalanced increase in predatory and carnivorous animals thus brought about by the enlarged food supply. From 1872 to 1874 the railroads hauled out the hides of 1,378,359 bison; if the above-mentioned averages as stated by Colonel Dodge, who was in position to know accurately, are correct, this represented a total slaughter of 3,158,000 animals from this southern herd in the three years.

The slaughter of the northern herd was not accomplished by such wasteful methods. This herd ranged from the Platte to Great Slave Lake, eastward to the Mississippi and westward to the Rockies. In 1881, it was estimated that the total shipment would be 100,000 hides, for the severe winter preceding had bunched the bison into a few valleys where they were easily slaughtered. The rapid killing of this herd began about 1880. The Sioux, Crows, Assiniboines and other Indians were armed with breech-loading rifles and killed rapidly, even though they knew they were destroying their future food supply and, at the same time, any possible chance for independence of the whites.

The Northern Pacific reached Bismarck, North Dakota, in 1876; thenceforward the river traffic ended here and the hides were carriet East by rail. By 1882 the line had reached Terry and Sully Springs in Montana.

In 1880, Miles City was the geographical center of the northern buffalo herd. In 1886, in the country lying between the Missouri and the Yellowstone, northwest of Miles City on divides, creek bottoms, and highest plateaus the ghastly skeletons were omnipresent "with hairy head, dried-up and shriveled nostrils, half-skinned legs stretched helplessly upon the gray turf, and the bones of the body bleached as white as chalk."

Here at Miles City within a radius of one hundred and fifty miles were, in 1881, probably 500,000 bison. The next year saw not less than five thousand butchers on that range. The estimates of the slaughter of this herd are: in 1881, 125,000; in 1882, 250,000; in 1883, 60,000; and in 1884, only one carload of hides went East. After that the only product of the buffalo country was bones for fertilizer. By 1889, a bison head for mounting was worth from twenty-five to fifty dollars. In less than six years this noble animal had become a curiosity. In that year the total bison in North America were estimated to be 535.

The Federal Government and the Indians

In 1832 Congress created in the War Department the office of commissioner of Indian affairs. Two years later a Department of Indian Affairs was created. In 1849, this department was made a bureau and transferred to the newly created Department of the Interior. Under the direction of the secretary of this department a commissioner of Indian affairs had the management of all matters pertaining to the Amerinds.

The policy of segregating the aborigines on reservations with superintendents appointed to look after each reserve is older than the Territory of Montana. By 1885, of the 143,776 square miles of this territory, 46,795 square miles were in Indian reservations and 1,583 square miles were reserved for military use.

A new policy was adopted by Congress in the Act of 8 February, 1887, permitting the President of the United States to allot in severalty the tribal lands. That is, the President might assign to each Indian a plot of ground, consisting of eighty acres, or if the land were only valuable for grazing, then twice that amount. If any land remained over, the residue was offered to whites for sale and the money added to tribal funds. Indians holding land in severalty were to be accorded full rights of citizenship.

The Montana Reservations

In the territorial days practically all of the land north of the Missouri was set apart for Blackfeet, Assiniboines, Gros Ventres and Sioux. Most of the land south of the Yellowstone and west of the Big Horn was reserved for the Crows. In the Bitter Root Valley, 1,400,000 acres were set apart for the Flatheads and their allies.

INDIANS DRAWING RATIONS

In 1885 the Indian reservations of Montana were as follows:

Crow	9,128.2 square miles, or	5,842,000 acres
Piegan, etc.	34,450.7 square miles, or	22,048,000 acres
Flathead	2,607.2 square miles, or	1,669,000 acres
Cheyenne	610 square miles, or	390,400 acres

There were in 1926 seven Indian agencies in Montana supervising a total population of 13,273 Indians. In this total population were included the Indians which held land in severalty, once a part of the Fort Peck, Blackfoot and Flathead reservations.

The Flathead reservation was set apart for the Flathead, Kootenai, and Upper Pend d'Oreille Indians by a treaty entered into 16 July, 1855. The region set apart included the beautiful valley of the Mission Range, or Sin-Yal-Min. It was almost a quarter of a century after the treaty that the few hundred Flatheads remaining were finally induced to go on the reservation allotted to them. Helen Fitzgerald Sanders, writing in the *Overland Magazine,* forcefully portrayed their resistance to deportation from the home of their forefathers.

"Yet it was not long after this that the Garfield treaty was drafted and presented to Charlot to sign. In that document Charlot was required to renounce forever the home of his forefathers and retire with his tribe to the Jocko Reservation, which included the region of the Sin-Yal-Min. It was a stern, inpassive gathering. Charlot, great chief, in reality king of his tribe, Arlee, the war chief, elected to that office by vote of the people, and others represented the Indians, while the Government of the United States had eloquent and persuasive statesmen armed with documentary force and red tape to persuade Charlot that his evacuation of the Bitter Root was at once desirable and necessary. But Charlot was a man of shrewdness and iron will. He declined the offer of a pension and the privilege of roaming at large over the pastures of the Jocko. The Bitter Root was the home of his fathers. There they had lived from time immemorial; he himself, was born within its glades; there he had grown to maturity and sunk, as sinks the sun towards its setting, into old age. He added with finality that there also he would lie down to his eternal sleep.

"Arlee, the war-chief, had no such patriotic scruples. He signed the treaty, thereby courting and receiving Governmental favor and, by the decree of those to whom he pandered, superseded Charlot as Great Chief and drew the pension and other preferment that went with that high trust. Before this extreme measure was carried out, the old chief, with Duncan McDonald, Chief Antoine Moise and other faithful followers decided that if the President, the Great Father himself, understood, he would not be so harsh with an old man whose years to live would be few and whose wrongs were many and sore. So they went to Washington and told their story. Charlot asked for nothing but the 'poor privilege' of living where his fathers had lived, and lying down to rest where they had rested through the centuries, before the echo of the white man's booted tread disturbed the primeval quiet. He said, moreover, that he would never be taken alive to the Jocko. After this ultimatum, which was listened to rather coldly, the Indians went as they had come, shadows of the gaily-colored past who aroused the frank curiosity and often the fear of the orderly citizens of the capital. Their mission had failed; they returned to the Bitter Root empty handed, heavy-hearted. Charlot might remain in the valley, the wise men had said, but in remaining he sacrificed his title, his land rights, his pension—in other words he was an outcast and a pauper."

Other Indians had already taken up their residence in the Jocko Reservation or Flathead Indian Reservation, when the little band of Selish from the Bitter Root Valley were removed thither. Under an act approved 23 April, 1904, this reservation was subdivided and partly allotted to the Indians. It will be remembered that the general allotment act as amended in 1891, provided that each man, woman, and child should receive eighty acres of agricultural land or one hundred sixty acres of grazing land. About 200,000 acres were sufficient to make this allotment and nearly 1,200,000 acres remained for disposition. The United States Government agreed to buy from the Indians two sections of each township at $1.25 per acre which were granted to the State of Montana for school purposes. Nine hundred sixty acres were allotted to the Roman Catholic mission schools and hospitals operating among the Indians of this reservation and the remainder of the land was opened to settlement by citizens of the United States. In 1905 the President was authorized to reserve and grant: to the State of Montana for the use of its university, one hundred sixty acres for a biological experiment station on the shores of Flathead Lake; and five thousand acres of timber lands for the use of the Indians as a fuel supply.

Lake and Sanders County now occupy the region which was once the Jocko Reservation. Here is located a large irrigation project estimated to be capable of irrigating 140,000 acres of land. The cost of the project was nearly $7,000,000. This is one of the choicest agricultural regions of the state, lying as it does in a protected and fertile valley. Its crops are wheat, oats, hay, potatoes, and alfalfa. The land is heavily timbered in many portions. A sawmill at Polson has a daily output of 100,000 feet. One of the largest bodies of pulp timber in America stands in this region and there are several billion feet of tribal and privately owned merchantable timber here standing. The larger part of the old Flathead Reservation lies in the present Lake County, created 10 August, 1923.

These reservations varied greatly in their physical desirability. The Jocko Reservation was located in the most beautiful portion of Montana, with rich valleys and beautifully wooded slopes. The Fort Belknap Reservation between the Milk River of the north and the Little Rocky Mountains of the south is a bleak and naturally arid territory. Some portions of it, however, have excellent arable land on which the Indians raise hay, grain, and vegetables. For the education of its children the Government maintains a boarding school and a day school. The Roman Catholic Church maintains a mission boarding school.

The Crows were fortunate in being assigned as a reservation their choicest hunting ground. The region is well watered and rolling, suited for general farming and livestock. The sale of Crow lands to white settlers have yielded the Indians a large income and they are prosperous. One Baptist, three Catholic day schools, two Federal boarding schools, and one Catholic boarding school minister to the educational needs of the young Indians. There is also a hospital on the reservation.

The Creation of the Rocky Boy Agency

Several hundred Cree Indians came into Montana about the year 1893, fugitives from the British Government, claiming to be political refugees who had participated in the rebellion. Every effort to induce these Indians voluntarily to leave the state proved unavailing and the Federal Government could not be interested in the matter of their removal. Under treaty stipulations the Federal authorities refused to interfere, there being no well-defined precedent to govern their action in a case of this character, therefore no relief could be expected from that quarter. Since the Federal Government also refused to set apart any portion of the public domain as a reservation for the Crees the State of Montana was compelled to deal with the wards of a foreign nation. Evidence rapidly accumulated showing that these Indians were a constant menace to the stock interest and the game preserves, respecting no law passed for the protection of those interests when it served their purpose to violate the law.

Said Governor Rickards to the Legislature of 1895:

"In the nature of things it is practically impossible to reach individual members of the tribe in order to mete out the punishment prescribed by law through the ordinary processes of the courts. Isolated cabins have been rifled and acts of violence have been perpetrated by the Crees, while it is universally understood that the practices and ceremonies of the tribe are foreign to civilization and repulsive to our people. The only way to abate the nuisance into which the presence of the Indians has grown is to deal with them collectively, and, if possible, remove them from the state into the jurisdiction of the British Government. Unless this is done our game laws will afford no protection to the game preserve, for the police power of the state would be inadequate to enforce the laws with wandering bands of Indians engaged in hunting all seasons of the year in sparsely settled districts. As it is impossible to enlist the Federal Government in a movement to deport these Indians to the country to which they belong, it remains with the Legislative Assembly to provide ways and means for the solution of the problem, to the end that isolated settlers may not suffer financially from the depredations of the Crees, and that the livestock and game interest of Montana may receive the protection contemplated by the laws upon our statute books. I recommend the adoption of such measures as may be deemed necessary to effect these ends."

The Legislature, however, realized that it was not within their province to make provision for Rocky Boy's band of Crees and refused to take any action. The annoyance continued until the Federal Government twenty years later made provision for them.

A part of the abandoned Fort Assiniboine Military Reservation was set apart for them pursuant to an act of 7 September, 1916. This reservation lay between Havre and the Missouri River and contained 56,038 acres.

The Tongue River Reservation

The Tongue River Reservation was set apart for the use of Northern Cheyenne Indians. It lies between Tongue River and Rosebud Creek. The land consists of high broken plateaus suitable only for stock raising. Two Federal day schools and a boarding school, together with a Catholic contract boarding school, comprise the educational equipment for the three hundred little Cheyennes. The value of the tribal property of these Indians is estimated at about $6,000 apiece.

The four reservations whose lands have been allotted in severalty to the Indians and the remainder sold to the whites all have irrigation projects thereon. In the northeastern corner of the state lying along the north bank of the Missouri River was the Fort Peck Reservation. This reservation was originally set apart for the use of Yankton Sioux and Assiniboines. It is a dry rolling prairie suitable for stock raising and general agriculture. It was opened by Act of Congress 30 May, 1908, proclaimed September 1, 1913. Out of this reserve was created 18 February, 1919, Roosevelt County, whose county seat was fixed at Wolf Point. About half of the soil is classified as arable and half as grazing. The main channel of the Missouri River is heavily wooded and furnishes an ample timber supply. These are deposits of lignite coal throughout the county and it is said to have two oil domes in the western portion. The main line of the Great Northern Railway traverses the entire county and furnishes an ample transportation facility.

Blackfoot Reservation

The Blackfoot Reservation lies along the eastern boundary of Glacier National Park with the waters of Birch Creek as its southern boundary, and Rocky Coulee as its eastern. In this region rise the headwaters of the Milk and Maria's River. This reservation was opened to settlement 2 May, 1910. An irrigation project covering 118,000 acres was soon thereafter completed, and Glacier County was created 1 April, 1919. Precipitous mountains occupy the western end, gradually verging into high plateaus. The principal industries of the county are cattle and sheep raising and agriculture. Dairying and hog raising have proved a good source of revenue. The Lewis and Clark National Forest occupies 25,000 acres in the southwestern portion. There are a day school, a Federal boarding school and a Catholic boarding school for the eight hundred children of the Confederacy. Glacier County has for its white children thirteen grade school and one accredited high school with a total enrollment of one thousand.

The Federal Government resolved about 1920 to begin an industrial program occupying five years' time, having for its objective the creation of economic independence for the Blackfoot Confederacy. The season of 1926, owing to its dryness, tested severely the efficiency of the new program. The Indians were only able to raise half a crop but with the aid of their root crops they had sufficient food supplies to carry them through the winter. Indian Commissioner Hugh L. Scott after a visit to them in 1926 reported, "the economic future of the Blackfeet seems to rest mainly in the raising of sheep rather than cattle. Sheep eat a great variety of weeds, a food supply not otherwise utilized. Sheep supply two annual money crops, wool and wethers, whereas a steer requires four years[5] for its development as a marketable animal, also the care of sheep develops habits which tend to keep the Indian at home and this conduces to the more rapid advancement of his civilization. Sheep thrive well in Montana and the Blackfeet holdings are increasing."

One of the serious problems of the Indians' service is the eye disease known as trachoma. This is an infectious disease which often requires surgical operation for its alleviation. Students of the disease, however, believe it to be under control and expect its entire extinction after a few years.

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[5] We here quote Commissioner Scott exactly, with due deference to a resident of Princeton, New Jersey, but are inclined to think he likes his beef rather tough.

Another very serious problem is the craving of the Indian for intoxicants, to satisfy which there has been an increasing use of a drug called peyote. "The Indian has never been entirely satisfied with alcohol," writes Dr. Robert E. L. Newberne, "its effect and its violent hasty reaction have not harmonized with his Elysian dreams, and such violent reactions have destroyed his faith in its power to transport him in celestial visions to the happy hunting grounds of his fathers; but he did not forego the stimulating effect of alcoholic drinks because of the disagreeable after effects, or because he was not getting what he longed for; it was the best he could do; and if he was ordained to live the life of the white man he would not repudiate his demons. But something in his nature—it might have been the coming into consciousness of knowledge long hidden in his subconscious mind, or it might have been the promptings of cell cravings—told him that there was a better intoxicant than whiskey, an herb known to his ancestors, and he sought that herb and found it in peyote, and he believes that his people now have an intoxicant that satisfies and yet leaves consciousness to witness the strange orgies that are taking place in the underworld of their mentality."[6]

SUN DANCE AT HAVRE

The peyote of commerce is the dried flowery top of a spineless cactus (*Lophophora williamsii*), a brown, bitter substance nauseating to the taste. The plant is grown on both sides of the Rio Grande and is believed by the Amerinds to be a great healing agent.

Among the Indians of the Southwest the plant is used in religious exercises. "The worshipers sit in a circle around the inside of the sacred tipi with a fire blazing in the center. The exercises open with a prayer by the leader, who then hands each man four mescals, which he takes and eats in quick succession; first plucking out the small tuft of down from the center. In eating, the dry mescal is first chewed in the mouth, then rolled into a large pellet between the hands and swallowed, the man rubbing his breast and the back of his neck at the same time to aid the descent. After this first round the leader takes the rattle, while his assistant takes the drum, and together they sing the first four times, with full voices, at the same time beating the drum and shaking the rattle with all the strength of their arms. The drum and rattle are then handed to the next couple, and so the song goes on around and around the circle—with only a break of the baptismal ceremony at midnight and another for the daylight ceremony—until perhaps nine o'clock the next morning. Then the instruments are passed out of the tipi, the sacred foods are eaten and the ceremony is at an end. The dinner, which is given an hour or two after the ceremony, is always as elaborate a feast as the host can provide. The rest of the day is spent in gossiping, smoking and singing the new songs, until it is time to return home."[7]

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[6] *Peyote, an abridged compilation from the files of Indian Affairs*, Washington 1922.

In Oklahoma the Peyote Church has been chartered under the name of the Native American Church. In the opinion of many, says Doctor Newberne, "to give recognition to the Peyote Christian Church is as incongruous as it is to recognize the Opium Christian Church or the Cocaine Society of Christians. The cult is growing not only due to the habit-forming nature of the drug but because as a religious movement which claims to be the Indian form of Christianity it makes a strong appeal to the racial instinct and because it furnishes an opportunity for leadership to young educated Indians."

The peyote is a strong narcotic affecting both the respiratory and nervous systems and produces the same general effect as the use of opium, that is to say, a condition of stupor. Its effect is usually slow with increasing lassitude, weakening will, disinclination to exertion, and the loss of resistive power when attacked by disease. Like liquor it may often be used with impunity but it tends strongly to excess and physical harm. Prof. Ales Hrdlicka, curator of the Division of Physical Anthropology of the United States National Museum, says "While the effects of peyote are not so violent or quite so harmful as those of alcohol, they are nevertheless, deleterious, and the use of the drug should be discouraged, and, if possible, prohibited. The effects of the drug manifest themselves very largely in nervous stimulation, and, in cases where larger doses are taken, in a sort of intoxication. These conditions, if repeated for a length of time, are bound not only to cause a permanent harm to the individual addicted to the mescal, but they also become a source of other abnormal conditions. The habitual use of peyote must be classed with the habitual use of drugs such as morphine or cocaine."

The Blackfeet are said not to practice the use of peyote, but thirty-five per cent of the Cheyennes on the Tongue River Reservation are said to show the effect of this drug.

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[7] Newberne *op. cit.* Quoting Safford, Page 9.

Statistics of the Montana Indians

It will be observed from the appended table that less than half of the Indians now on reservations of Montana are of full blood, and that practically all their children of school age are in school. Their financial condition is apparently superior to that of the average white, for it must be remembered that the figures below given are of the total population and not merely of the head of the family. According to the Federal Bureau of Indian Affairs from whose reports these figures were gathered, the average wealth of each man, woman, and child of the Amerinds was about $3,500, whereas the average wealth of the whites as shown by the taxable property in the State of Montana was $2,675 at the last census year.

The figures for the acreage, however, are deceptive. Where the land is held in severalty the allotment to each individual Indian never exceeds 160 acres, or four to the square mile. The acreage shown for the three reservations which have been opened for a partial white settlement is the full area of those reservations irrespective of the fact that only small portions of them is now occupied by Indians.

The Indians of Montana (1926)

	Acreage	Total Population	Full Blood	Children in School	Property	
In Severalty					Individual	Tribal
Blackfoot	1,492,125	3,278	1,062	822	$ 3,928,730	$ 712,596
Crow	2,290,561	1,803	1,043	450	10,025,504	368,809
Flathead	1,403,058	2,726	563	681	6,167,919	158,494
Fort Peck	1,056,198			623	7,429,391	476,403
Yankton Sioux		1,461	713			
Assiniboine		840	332			
In Community						
Fort Belknap	622,917			351	213,299	6,018,534
Assiniboine		581	355			
Gros Ventre		621	350			
Tongue River	489,500	1,440	1,282	311	338,195	9,067,804
Rocky Boy	56,038	523	244	101	50,000	525,996
Total	7,410,397	13,273	5,917	3,339	$28,153,038	$17,328,636

For Further Reading

C. A. Woodruff, "Battle of the Big Hole" in *Contributions to Historical Society of Montana,* Vol. VII.

"Blackfoot War With the Whites" in *Contributions,* Vol. IX.

Henry Romeyn, "The Capture of Chief Joseph and the Nez Perce Indians" in *Contributions,* Vol. II.

Edward S. Godfrey, "Custer's Last Battle," in *Contributions,* Vol. IX.

William S. Brackett, "Custer's Last Battle on the Little Big Horn in Montana, June 25, 1876," in *Contributions,* Vol. IV.

Nathaniel Pope, "General Sully's Expedition of 1864" in *Contributions,* Vol. II.

William A. Graham, "The Story of the Little Big Horn, Custer's Last Fight," *Century,* 1926.

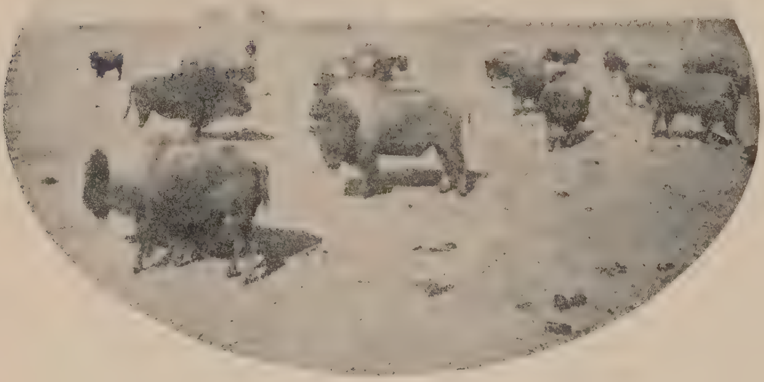
O. O. Howard, *Nez Perce Joseph,* Boston, 1881.

CHAPTER XII

THE DAYS OF THE OPEN RANGE

As the mountains of Western Montana with their great metalliferous wealth drew thousands of men in search of gold to that region so the grassy plains of Eastern Montana whereon the buffalo and antelope were wont to roam before white men had entered, the West attracted the cattle raiser.

The cattle industry of Western America began in the Mexican dominions. The first commerce of California with the Eastern United States was the hide and tallow trade which has been so interestingly described by Richard Henry Dana, in his *Two Years Before the Mast*. This industry spread northward across the plains of Kansas, Nebraska, and Dakota as well as into the mountains of Nevada, Wyoming, and Montana. Wherever there was grass one could find a cowboy and his charges.



EARLY INHABITANTS OF THE PLAINS

It was customary in the early days to winter the cattle in the South where the spring came earliest, long before the northern fields were cleared of snow. As warm weather advanced further north the migration known as "the long drive" began toward Montana.

The industry of raising beef cattle and dairy cows is nearly as old in Montana as that of mining. The first domesticated cattle to be brought into this region were imported by the Jesuit Fathers. In 1853, John Grant, one of the pioneers in the Bitter Root Valley, established a herd of cattle and by the time mining commenced there were several herds in the vicinity. Buffalo still ranged in large numbers east of the Rocky Mountains and the raising of cattle was not essential to supply food. However, the demand for beef soon displaced the demand for buffalo meat. So rapidly did the industry grow that one of the first items brought to the attention of the Territorial Assembly was the matter of regulating marks and brands on cattle.

According to the law approved January 31, 1865, a record of these brands with the name of the owners was to be kept by the secretary of the Board of Stock Commissioners. A brand book was published by the live stock association which made the identification of animals easy in the days when they ranged over the great unfenced grassy lands.

It was not long before the small stock owner was displaced by the large cattle companies and there was intense rivalry between the various "outfits," as they were called. Sometimes gun play supplemented verbal arguments regarding the ownership of certain animals. In the spring the different "outfits" would meet in a general roundup of the cattle and, establishing a camp, proceed to brand each calf with the same brand as borne by the cow which it was following.

Robert Vaughn, one of Montana's pioneers, picturesquely described a round-up thus: "The riders will gather several thousand cattle in one bunch at a given place on the open prairie where a camp is established. Here, where they all meet, the cattle are driven into one bunch surrounded by the riders, and this is the round-up proper. The bellowing of the cows and calves is pitiful, for at first they are constantly in commotion and many of them become separated from each other; the noise they make is so awful one can hardly hear his own voice, but it is not long before each cow discovers her calf and then all is well. A fire is built near by and branding irons of all owners of cattle on the range are heated. Then the ropers will ride into the ring, lasso the young cattle by the hind feet and pull them by the horn of the saddle to where the fire is, and each calf is branded the same brand as the mother. An account of all calves and of each brand, separately, is kept, so that, at the end of the branding season, the owner can tell the number of calves branded. After getting through in one place the camp is moved to another part of the range, and so on, until the work is finished. It is hard work, but fascinating, and many seek to go on the round-up. In the same way the beef cattle are gathered in the fall and shipped East. The round-up, like the buffalo, will soon be a thing of the past."

The life in the cow country was very picturesque. There was no feminine society to mitigate the crudity of the life and manners. Theodore Roosevelt in his *Hunting Trips of a Ranchman*, who himself owned a cattle ranch in Dakota Territory near the Montana line, says:

"The cowboys form a class by themselves, and are now quite as typical representatives of the wilder side of Western life as were a few years ago the skinclad hunters and trappers. They are mostly of native birth, and although there are among them wild spirits from every land, yet the latter soon become undistinguishable from their American companions, for these plainsmen are far from being so heterogeneous a people as is commonly supposed. On the contrary, all have a certain curious similiarity to each other; existence in the West seems to put the same stamp upon each and every one of them. Sinewy, hardy, self-reliant, their life forces them to be both daring and adventurous, and the passing over their heads of a few years leaves printed on their faces certain lines which tell of dangers quietly fronted and hardships uncomplainingly endured. They are far from being as lawless as they are described; though they sometimes cut queer antics when, after many months of lonely life, they come into a frontier town in which drinking and gambling are the only recognized forms of amusement, and where pleasure and vice are considered synonymous terms. On the round-ups, or when a number get together, there is much boisterous, often foul-mouthed mirth; but they are rather silent, self-contained men when with strangers, and are frank and hospitable to a degree. The Texans are perhaps the best at the actual cowboy work. They are absolutely fearless riders and understand well the habits of the half-wild cattle, being unequaled in those most trying times when, for instance, the cattle are stampeded by a thunder-storm at night, while in the use of the rope they are only excelled by the Mexicans. On the other hand, they are prone to drink, and when drunk, to shoot. Many Kansans, and others from the Northern States, have also taken up the life of late years, and though these scarcely reach, in point of skill and dash, the standard of the Southerners, who may be said to be born in the saddle, yet they are to the full as resolute and even more trustworthy. My own foremen were originally Eastern backwoodsmen."

A HIGH GRADE BAND OF CATTLE

Cattle raising on the plains began with the long-horned animals which were descended from the stock brought in by the Spanish. When the Civil war was raging there were hundreds of thousands of these half-wild animals, whose value became very rapidly enhanced as the armies began to draw on them for a food supply. The Texas cattle men were accustomed to drive their animals, when ready for market, northward along a regular cattle trail into Kansas and sometimes over to Saint Louis, Missouri, for shipment to the East. As a result of this routing the Town of Kansas City grew to be a great cattle market and later a packing center. As the demand for fat cattle increased these Texas ranchmen discovered that it was profitable to make the long drive through the Panhandle of Texas across Wyoming and into the grassy plains of Montana where the animals could be fattened preparatory to being shipped by rail to Chicago, the greatest cattle market of the world.

The ranging of cattle in the open country necessitated horses for the use of the cowboys. These horses were the degenerate offspring of the excellent animals brought into America by the Spanish, whose wild life had speedily deteriorated in them the qualities which mark a good horse. But what these animals lacked in the fine points by which good horses are judged they made up in hardiness and ability to subsist on very little fare; an ability which they had acquired by the long process of natural selection which they had undergone after their release by the Spanish. Wolves and coyotes sharpened their wits. The cold winters roughened their coats. The indiscriminate breeding of animals, fit and unfit, resulted in a smaller animal than the domesticated horses. Thus the cow pony, descended as he was from good horse flesh, came to be a nondescript animal considerably larger than the fox and considerably smaller than the Arabian horse, bearing some of the traits of his fox ancestors and, resembling more nearly the wild Manchurian pony than the Arabian horse, from which he was more recently descended.

The first Texas drive to Montana was made in 1869 and the last about 1888. The route of this long drive lay up the Panhandle of Texas across the Santa Fe trail to Dodge. Thence it went past Fort Hays to the South Platte, where an enormous camp, Ogalalla, formed a rendezvous for the cowboys. Then the route followed up the Platte over the Oregon Trail to Fort Laramie and north along the Bozeman road, skirting the Black Hills and then bearing westward to the Big Horn Range. Thus reaching Montana it coursed along the tributaries of the Yellowstone to the Missouri and went northward to the Maria's River country. The cattle were driven leisurely along this trail for five months' journey.

Before the advent of the Northern Pacific Railway into Montana, cattle had to be driven hundreds of miles before a railroad could be reached. The Sun River Valley was the first home of the cattle baron who raised Montana-bred beef. In order to get his product to Chicago he had a choice of routes to the Union Pacific Railroad but his shortest drive required 650 miles of slow traveling with a 1,376 mile journey by rail to the slaughter houses of Chicago.

The first beef driven out of Montana were exported in October, 1868, and used both in the Salt Lake City market and to fill contracts of the purveyors who fed the work gangs who were engaged in building the Union Pacific, then nearing completion. In the following spring a herd of about two hundred was driven from Beaver Head County and sold in Salt Lake City.

The first shipment of Montana cattle to the eastern market is said to have originated on the Sun River ranch of Conrad Kohrs.[1] This man probably did as much for the cattle industry of Montana as any other one person. In 1865 he purchased the cattle ranch of John Grant in Deer Lodge Valley. The next year he bought his first herd for breeding purposes starting with an investment of $19,000 and building up to over $60,000. During the severe winter which followed he lost nearly a third of his herd and was left heavily in debt.

In the fall of 1867 he formed a partnership with his half-brother, John Bielenberg, and Joseph Peel, an association which continued until 1869 when Peel sold out to Mr. Kohrs. In 1871, Kohrs imported from Illinois the first herd of shorthorns, which were probably the first blooded cattle to be brought into the territory.

In 1882 Kohrs and Bielenberg bought $90,000 worth of cattle and sold $165,000 worth. Twenty-four hundred head were sold in Chicago and half that number in Montana. The next year saw the largest cattle trade ever made in the territory when Kohrs and Granville Stuart bought twelve thousand head of cattle from Davis, Hauser and Company for $400,000. Kohrs took two-thirds of the purchase. Two years later he became interested in the famous Pioneer Cattle Company.

In 1876 and '77, as we have seen in another chapter, the Indians were finally segregated and consolidated on reservations, thereby opening the eastern part of the territory to settlement. The building of the Northern Pacific across this region brought a string of "cowtowns," of which Billings was the earliest founded.

Billings was located on the north side of the Yellowstone about a hundred and fifty miles east of Bozeman, being named for Frederick Billings, then the president of the railway.[2] Its original townsite was plotted in March, 1882. On May 1, the first building was erected to house the engineers who were surveying the line. By June, Billings had a population of five hundred and was enthusiastically called "The Magic City" on account of its rapid growth. Here the first street railway in the territory—a horse-drawn affair, was built in the summer of 1883. Like so many of the western towns, hasty building resulted in an expensive fire destroying $50,000 worth of property in 1884, and in the following year came a still more destructive conflagration.

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[1] Conrad Kohrs had so large a part in developing the resources of Montana that he deserves particular mention. He was born in Holstein, Germany, 3 August 1835. He shipped as a sailor to South America remaining there for several years. He worked his way in 1852 to New York City and in the year following emigrated to Iowa. In 1857 he removed to California, and thence in 1862 to Montana. As soon as Virginia City was settled he entered the butchering business. A little later he turned his attention to the buying, selling and raising of cattle. While in Virginia City he took part as a Vigilante in the suppression of the prevalent disorder. Cattle were not Kohrs' only interest. He was also interested in sheep raising and mining. He was a member of the company which in 1867 built the Rock Creek ditch,—the largest one ever constructed in the Territory for mining purposes, costing $150,000. In 1889 he was a member of the Constitutional Convention. Later in life he removed to Helena and invested heavily in the Union Bank and Trust Company, and the State Nursery and Seed Company. Here he died in his palatial residence on Dearborn avenue 23 July 1920. He was buried at Deer Lodge. In this little town his family erected as a memorial to him a beautiful public library building.

This little village (it had only 3,221 inhabitants in 1900) was the principal shipping point of Eastern Montana for livestock and hides. As the industry grew, it grew from 10,031 in 1910, to 15,100 in 1920. The irrigation project, Huntley Project, has brought in sugar-beet raising and general farming.

Another little "cowtown" was Miles City, named for Gen. Nelson A. Miles, a famous Indian fighter in the days when the railroad was being built. This town was located on the Tongue River near the confluence of that stream with the Yellowstone. In the autumn after the Custer massacre General Miles, then colonel in the United States army, came to the present site of Miles City and built a permanent camp just across the Tongue River where the city water-works now stand. The purpose of this fort was to guard the approaches from Dakota and Wyoming territories, for here the valleys of the Yellowstone, the Tongue, the Powder and the Rosebud rivers could be simultaneously guarded.

In 1877 Fort Keogh was built. The original land allotted to this military post extended two miles eastward and included the present site of Miles City. Fostered by the proximity of a large military post, the town now begun on the banks of the Yellowstone began to thrive, but the reservation was reduced in April, 1878, and a better site for a town was platted on the east bank of the Tongue River two miles from Fort Keogh. The former town was abandoned for business purposes "and in the fall of 1878 Miles City entered at once upon the brilliant career which will sustain it permanently as the most important town and probably the only important one in Montana east of the Rocky Mountains," if we are to accept the sanguine sentiments of a contemporary writer. Unfortunately for Miles City, the Burlington road made Billings a junction with the Northern Pacific and thus helped to develop the rival city.

In November, 1881, the railroad reached Miles City and brought the community in touch with the narrower and more polite life of the States. The nickel replaced the quarter as the smallest coin in trade. And whereas the merchant of the earlier day might offer as a competent excuse for the exorbitant price he was asking for a package of needles that the freight rate was excessive, the coming of the railroad robbed him of this plausible argument.

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[2] Frederick Billings (1823-1890) was graduated from the University of Vermont in 1844 and began to study law. In 1849 he sailed for California via Panama, where for fifteen years he practiced law. In 1873 he began to buy the depressed securities of the Northern Pacific and reorganized the road. He served as chairman of the Executive Committee from 1875 to 1879, and as President of the company from 1879 to 1881. He was director or trustee of numerous corporations and philanthropic enterprises. In memory of his son Parmly he gave $50,000 to Amherst College and a Memorial Library building to the City of Billings.

An exodus of "floaters" soon took place. "The army of labor that precedes and is coincident with the building of a railroad into a new country offered a field of employment for the talent of the sporting element. Previous to this the producers had been the 'swaddy' or private soldier, the 'bull-whacker,' the buffalo hunter, and the tenderfoot. With the coming of the railroad the bull-trains were eliminated and the whacker faded away into a mere recollection, but his place was promptly filled at the various resorts by the *hoi polloi* that came in with the iron horse. It was a cheap crowd, though, wholly unused to the princely style that had been the vogue in Milestown before its arrival, and stubbornly insistent for a while on the acceptance of a nickel as an adequate recompense for a glass of beer. This proposed innovation was hotly contested for a while by the adherents of the two-bit theory, resulting finally in a compromise that established the two for a quarter as the going rate."[3]

The population in 1879 of Miles City was reported to be four hundred and fifty inhabitants. In 1884 they claimed twenty-two hundred. The large number of churches,—Catholic, Presbyterian, Episcopal, Baptist, and Methodist—belied the nature of the place, for gun-fire in the streets, brawls in the numerous saloons, and frequent violent deaths did not harmonize with these religious pretensions. Secret societies also flourished in the new town. Before Miles City was five years old the Odd Fellows, the Knights of Pythias, the Knights of Honor, the Masons and the New England Society had all organized. A board of trade, a typographical union and the Custer County Wool Growers Association had also organized during this period to further their economic interests.

Miles City had its first big fire on 22 July, 1883, with a loss of $100,000, and with that customary initiation service could afterwards call itself a Montana town.

"After the excitement of July 22 subsided a party of masked and determined men proceeded to the county jail and took therefrom Bill Rigney who had been incarcerated a few days before, and after some trouble he was taken out, a rope put around his neck and taken to the railroad bridge over the Tongue River, distant about half a mile, and there launched into the dim and uncertain future. The act meets with the approbation of all who are good citizens, and the verdict is that he got his just dues."

As the country around Miles City began to be settled many excellent riding horses were raised. After the Indian troubles had ceased Fort Keogh was abandoned, but when these fine horses began to be produced the War Department decided that Fort Keogh should be used as a remount station for the breeding and training of horses for the cavalry service. The old buildings were remodeled and new ones erected.

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[3] Throughout the West the Spanish influence is still felt in the use of "two-bits" for a quarter of a dollar, "four bits" for a half, and "six bits" for seventy-five cents. The Spanish milled dollar or *real* was sometimes cut into eight segments in the absence of smaller coins, hence the association of the "bit" with the value of one-eighth of an American dollar.

From that time on Miles City has continued to be one of the principal horse markets of the world. Here the European governments involved in the War of 1914 bought many of their cavalry animals.

During the '80s and '90s vast herds of cattle, sheep and horses roamed over the range of the Tongue River Valley unhindered by fences of any kind, but with the steady increase in population this use of the country has given way to diversified farming. By 1918 Custer County was exhibiting at its local fair and at the State Fair oats, wheat, barley, rye, corn, cabbage, rutabagas, pumpkins, squash, peppers, egg plant, tomatoes, cucumbers, peas, beans, celery, watermelons, cantaloupes, peaches, pears, apples, currants and raspberries. It has been said of Custer County that "its corn filled the silo, silos the cows, cows the separators, and separators the creameries." The valuable butter-fat was exported while the separated milk remaining was left on the farm to feed the pigs and chickens.

BAND OF SHEEP

After the Chicago, Milwaukee and Saint Paul Railway ran into Miles City the town increased in size quite rapidly. The population of all Custer County was less than 8,000 in 1900. Twenty years later Miles City alone had as many inhabitants.

Other towns which got their start as shipping points and supply depots for the cattle industry are Glendive, Terry and Forsyth.

Perhaps the division of the land into counties is the best way to study the settlement of the cow country and its change from an exclusively cattle raising country to one of diversified farming. South of the Yellowstone River and east of the Crow Indian Reservation was all one big county, named Custer, in 1885. Its county government had been created in 1877. In 1901 the western half was set apart and named Rosebud County. Fallon County in the eastern portion was set apart in 1913, and this county was in turn subdivided to form, from its northern portion, Wibaux County in 1914; and Carter County in 1917 became the extreme southeastern county of the state having been formed from a part of Fallon County. The southern portion of what remained of Custer County was cut off in 1919 to form Powder River County. Prairie County was formed in 1915 from the northern part of Custer County and a southern portion of what was originally Dawson County. Thus to compare the present situation with that of the Custer County of 1885 we must now take into consideration a portion of Prairie and Wibaux counties and all of Rosebud, Custer, Powder River, Fallon and Carter counties. While the cowtown and the great round-ups now remain to us only as memories there still remain large unfenced tracts in Eastern Montana both north and south of the Yellowstone.

CATTLE RANCH

Montana's cattle industry has grown enormously since the days since Conrad Kohrs first introduced shorthorns. In 1870 the total number of cattle was 36,000. Ten years later Montana had five times that number. In 1890 over a million head pastured on the ranges of the newly created state. By 1910 the number of beef cattle had fallen off slightly but the number of milk cows had shown a steady increase year by year since the first introduction of cattle in Montana. At this census there were 80,000 milk cows and 842,000 beef cattle. By 1920 the number of dairy cows had doubled, and the number of beef cattle showed almost a fifty per cent increase, bringing the total number of Montana cattle to 1,610,000 head.

It should be remembered that the values of cattle have increased even more rapidly than the numbers. This value could be increased even more, probably, by increasing the protective tariff, but that would make our beef and our shoes cost even more than they do today. What the producer gets, the consumer must pay, and, in addition the costs of transportation and handling between producer and consumer.

The natural enemies of cattle, wolves and coyotes, have cost the cattlemen so much that laws have been passed offering bounties on those animals. In 1900, bounties were paid for the killing of 13,764 coyotes, 1,585 wolves, and 2,247 wolf pups. In 1911, the law provided for the following bounties: For a full- grown wolf, $15; for a wolf pup, a coyote, or a coyote pup, $3; for a "mountain lion" (that is, a cougar, or *felis concolor*), $10. Ten years later, the counties were authorized to pay additional bounties under certain restrictions.

Montana Stock-Growers Association

The Montana Stock-Growers Association was organized July 28, 1884, with Col. W. B. Hundley, chairman *pro tem.* Russell B. Harrison was elected secretary. A committee on credentials was appointed consisting of Dr. A. Ames, of Beaverhead; Granville Stuart, of Meagher; and Conrad Kohrs, of Deer Lodge. This committee reported that it found the following organizations represented by accredited delegates: The Stock-Growers Association of Southern Montana; of Beaverhead County; the Musselshell Stock-Growers' Association; the Helmsville (Deer Lodge County) round-up; the stock growers of the Hamilton district, Gallatin County, and the Judith round-up. The report stated that eleven counties were represented by forty-two delegates. Granville Stuart was elected president; B. F. Potts, vice president; R. B. Harrison, secretary; J. P. Woolman, treasurer. The executive committee was made up of one member from each county, as was also the delegation to the national convention.

That fall the Secretary received the following letter from A. T. Atwater, secretary of the National Cattle and Horse Growers' Association of the United States:

> Saint Louis, Aug. 24th, 1885.
>
> To the Secretary of the
> Montana Cattle Growers Association,
> Helena, Montana,
> Dear Sir:
>
> I had hoped until the last moment to have been able to get off from duties here to attend your meeting at Helena; but as press of business renders this impossible, I write to send you greetings and bid you God speed in the good work of organizing the cow-men of Montana into an effective central association. We must work out our own salvation. Montana has struck the key note in the lines of a recent editorial in your *Stock Growers Journal* saying: "We do not want to be too ready to appeal to the Government for the adjustment of our business. We must band ourselves together and make laws unto ourselves, laws that can interfere with no statute upon the books, but laws by which, nevertheless, we must abide by and support with all

the fidelity of western manhood." These ringing words will find an echo in the heart of every cow-man on the plains from the Gulf of Mexico to the British Possessions. Range cattle interests will be protected and built up by our associations; local associations will arrange details of range rights, round-ups, etc., and state and territorial associations will see to it that cattle are kept out from the plains from infected districts of the East, and that cattle stealing is punished so severely as to intimidate lawless characters from depredations. With all our interests combined and represented in our great National Cattle and Horse Growers Association, we will present a solid front, and accomplish beneficial results for our industry. While demogogues catering to the ignorant communistic elements are crying out that the Range Cattle Industry is in the hands of monopolists trampling on the rights of the poor and oppressed, we cannot look for help from the Government; but by the exercise of that manhood which has wrested the arid plains from the savages and utilized the barren wastes to the production of the chief food supply of the Nation, we will restore order out of chaos and bring our Range Cattle Industry to a degree of prosperity that it has never yet enjoyed. Prices of stock cattle will come back to the former prices of $20 per head for cattle in Southern and Central Texas, and $25 per head in the Panhandle, New Mexico and Arizona, $30 to $35 per head in Wyoming, and $35 to $40 a head in Montana. At these prices the profits on investments in range cattle have paid from 25 to 30 per cent; and by throwing a Chinese Wall, by means of state and territorial quarantines against the admission of cattle to the plains from the infected districts of the East, cautious and conservative capitalists will acquire confidence in the stability of our industry, and convert their three and four per cent investments into purchases of range cattle until prices of ranges and range cattle will advance until the point is reached that income from these investments, made at market price, will run down to 12 to 15 per cent per annum. The successful work of our association will accomplish these results, and the gathering together en masse at our annual meetings of cattle men from all the range country from Texas to Montana, will bring about a clear understanding of the needs of the industry and insure harmonious action on all matters of interest. Our National Association is based on individual membership, the same as all of our local associations, which plan enables the smallest cattle owner to enjoy the benefits of our meetings the same as the owner of large herds. It is very generally conceded that this basis of membership is preferable to one confined to limited delegates from local associations, which is not in harmony with the broad gauged spirit of western manhood that desires to accord all the benefit to the masses that would otherwise be enjoyed by the privileged few.

Recent advices from all sections of the country indicates that fully 1,500 actual members of our National Cattle and Horse Growers Association will be in attendance in our meeting to be held in Saint Louis November 23rd-28th. In this number we confidently hope and expect that Montana will be largely represented, and through you I extend to the cow and horse men of Montana a most cordial invitation to be present at our meeting and participate with us in our work for the good of the industry. The citizens committee of Saint Louis are making preparations for the entertainment of the visiting cow-men on even a more liberal scale than last year, programme of which and formal invitations will be forwarded to all of the members of your association in a short time.

Yours very truly,
(Signed) A. T. Atwater,
Secretary National Cattle and Horse Growers Association of the United States.

The Eastern Montana Stock Growers Association was organized in 1883 with seven members, who elected Thomas J. Bryan their president. At the meeting held in the courthouse of Miles City 3 April, 1885, sixty-three members were present or represented, twenty-seven being absent. Among the applications for membership was one of Theodore Roosevelt, who, according to the requirements of the association, was recommended by one of those already admitted to membership, Marquis De Mores.

As this Miles City meeting Granville Stuart, president of the Montana Stock Growers Association, was present with other members of his organization to arrange a consolidation of the two bodies. A committee from each organization reported a set of by-laws for the proposed body, which was unanimously adopted. The object of this association was stated to be: "to advance the interests of the stock growers in Montana and adjoining territories, and for the protection of the same against frauds and swindlers, and to prevent the stealing, taking and driving away of cattle, horses, mules, and asses from the rightful owners thereof; and to enforce the stock laws of Montana Territory."

To secure such an end their Executive Committee was authorized "to act in such manner as will, if possible, bring such person or persons to justice and recover said property" when notified by a member that stock had been stolen.

In order that no member should avoid the expense of furnishing sires it was provided that for every hundred cows turned on the open range not less than eight bulls should be also turned out.

The initiation fee was placed at fifteen dollars, which included the dues to the next spring meeting. The yearly dues were ten dollars a member with the possibility of a special assessment of not more than one cent a head on seventy per cent of all cattle.

A nominating committee headed by Granville Stuart selected for the first year of the consolidated Stock Growers Association the following officers: President, Col. T. J. Bryan; first vice president, Governor B. F. Potts; second vice president, Capt. William Harmon; secretary-treasurer, Russell B. Harrison, the only son of the President Benjamin Harrison, and partner of Governor Potts in a horse ranch.

Among the resolutions of this Association passed in this meeting was one complimenting Stuart and Harrison on securing the legislation favoring the industry which had been passed at the previous session. This was an act providing for a territorial veterinary surgeon to inspect all cattle, horses, mules, and asses brought into the territory and held in quarantine for inspection purposes. In all cases of contagious or infectious cattle diseases, this surgeon was authorized to quarantine infected premises and to order the slaughter of sick animals. The territory indemnified the owners of animals slaughtered under this act for two-thirds of their value as determined by appraisers. To meet this expense the county treasurers collected half a mill on the assessed value of cattle, horses, mules, and asses when individuals owned more than five hundred dollars' worth of such stock.

Another law passed at this session forbade the branding of cattle east of the Continental Divide during the month of August (fly-time) or between the 15th of November and the 15th of May except on one's own premises and then only "in the presence of two responsible citizens."

Brand books were published by the territory as early as 1872. Two hundred and forty-three entries therein appeared. The first brand entered was that of Poindexter and Orr of Beaverhead County who used the Masonic square and compass on the right hip of their cattle and the left shoulder of their horses and mules.

A more typical entry of marks and brands read as follows: "Be it remembered that J. E. Callaway, of Madison County, Montana, has adopted and claims the sole right to use the following stock brand in the position named, to wit: Triangle C on the left side." However several showed the cruel ingenuity of a Jefferson County rancher who marked his cattle: "DD (a double D on the left side). Nose mark made by cutting a piece of skin half way from the eyes to the end of the nose, two inches long, leaving a sink in the nose."

The firm of Poindexter and Orr, above mentioned, began business in California in 1856. They came to Montana separately. Orr drove cattle to Bannack in the winter of 1864 and found he could not winter them there, so drove them into the more protected Beaverhead Valley. In 1866, he brought in another herd. In 1867 Poindexter purchased four hundred head in Oregon and drove them to Montana, remaining in Beaverhead Valley. In 1870 Orr brought from California 2,700 sheep and 375 horses. They increased their holdings until they had (in 1884) a hundred head of horses, eight hundred cattle and ten thousand sheep. Poindexter was a Mason and Knight Templar, being made a member of the Bannack Lodge in 1876, which probably explains the brand used by him.

Roosevelt at the 1887 Meeting

The Montana Stock Growers Association included members from Dakota. On page 3 of its minute book, now in the archives of the State Historical Society at Helena, Montana, is an entry relating the application for membership of Theodore Roosevelt who was then ranching in Western Dakota. On page 92, a record appears of his voluntary subscription of twenty dollars to a fund of five thousand dollars which was being raised in 1886 to send a lobby to Washington "to influence legislation and in other ways looking to the protection of the stock interests at large of the country."

In his annual report made at Miles City, April, 1887, the secretary, Russell B. Harrison, took occasion to criticize the newly enacted Inter-state Commerce Law in the following words:

"Thinking that these trials were not sufficient for our industry, Congress, in its wisdom, has added a fourth, the Inter-State Commerce Law, which has seriously interfered with the attendance at this meeting, owing to the difficulty of securing reduced transportation, and which threatens to interfere seriously with the necessary rights and privileges of cattlemen of the Far West, in transporting their quota of the food supply of the Nation to Eastern markets for consumption."

At the conclusion of the reading of the lengthy report Mr. Roosevelt stated:

"I should like to ask one question. Would it be in order before the report is received and spread on the minutes, to ask for a change in one portion of it, or not? I do not think it wise for this Stock Association to appear to go on record in relation to the Inter-State Commerce Law as condemning it. Would it be in order to make any motion or file any protest upon that portion of the Secretary's report?"

M. C. Connors answered him saying: "I would say condemn the law from beginning to end."

Mr. Roosevelt then requested the second reading of that portion of the report and following the reading said, "I move that the lines in reference to the Inter-state bill be stricken from the Secretary's report." This was seconded by S. F. B. Biddle.

Dr. Azel Ames, Junior, of Beaverhead County, moved an amendment to Roosevelt's motion, "that we accept the report of the Secretary and append thereto a note stating that the association in the acceptance of the report does not thereby commit itself to any expression of opinion as to the value of the Inter-State Commerce law."

Mr. Roosevelt now stated that he would be willing to accept the amendment if in the report, the lines referred to should be bracketed, and it should be distinctly stated that the Association did not commit itself to the sentiments of the bracketed sentences, and thus the amended motion was carried.

Mr. Roosevelt moved to accept the Secretary's financial report. In the afternoon session he was named on the Committee on Resolutions to serve with Captain Harmon and Doctor Ames. Later in the afternoon Roosevelt moved to suspend the rules to introduce a resolution. This was done and the thanks of the Association was voted to Major Williamson for his explanation of the attitude of the Government on the matter of keeping the Crows in their reservation. The Association promised cooperation in preventing Indian raids and depredations and approved this policy of giving the Indians their lands in severalty.

At the first meeting of the Association in 1885, Roosevelt, with his neighbor the Marquis de Mores, and Henry Boice were named members of the Executive Committee from Dakota Territory. Accordingly, Roosevelt was a "big man" in the Association meetings.

Toward the close of the session Roosevelt made amends for his criticism of the Secretary's report by moving "that this Association extend its warmest and most hearty thanks to our Secretary, Mr. R. B. Harrison, recognizing fully the obligations that we stand under to him for the ability and indefatigable energy with which he has served us. I am certain that we all of us appreciate fully what I may call without any exaggeration the valuable services he has rendered to us. I am not speaking hyperbolically in the least. Any person who has been thrown in contact with Mr. Harrison, any person who is familiar with the workings of such an association knows how much we are indebted to him, therefore I move that a vote of thanks be extended to him for the services that he has performed for us."

The winter of 1886 had been very bad for range cattle and Roosevelt's herd was almost entirely destroyed. Shortly after the meeting at Miles City he went East and, although he returned from time to time to his Dakota ranch for short visits, his cowboy days were ended.

The Association at the Present Time

The forty-third annual convention of the Montana Stock Growers Association met at Havre 12 April, 1928. An interesting statement in President Charles M. Dowlin's remarks reminds us that the great crime of the early days "cattle-rustling" is still prevalent in Montana.

"In connection with this Butcher Law it might be well at this time for me to say that the livestock interests of Montana most universally condemn our system of pardons and paroles from the state penitentiary. The stockman, as a taxpayer, is doing his utmost to pay the expenses of the administration of justice in our courts. The cattle thief is a continuing menace in all of the livestock centers of the state. To go to all the expense necessary to apprehend and try and convict a cattle rustler and then have him pardoned or paroled after only a few months in prison is not only discouraging to the stockman but is encouraging to the cattle thief. The method of pardoning and paroling which is now in vogue in this state is breeding more cattle thieves and encouraging the rustling of cattle more than any other one agency in the state. If we had the time and the space we could call the attention of this convention to case after case in various counties in this state where the stockmen have gone to a great lot of trouble in getting evidence and apprehending rustlers who are sent to the penitentiary for a term of years and then turned loose after a few months, under the present system of pardons and paroles, to go back to their old rustling grounds to prey upon the stockmen. I most heartily condemn the present parole system in this state."

The cattle industry in Montana as well as throughout the West was thriving under a condition of under production, and prices were very high. Domestic stocks were then at the lowest point since the Civil war. On 8 July, 1927, vealers were quoted on the Chicago market at $14.50 and steers and yearlings brought only twenty cents less. Rib roasts were selling in Miles City at twenty-eight cents a pound and at thirty cents in Helena. And by Christmas time prices were even higher, some choice animals in Chicago selling at eighteen cents on the hoof.

The industry was sensitive to any effort to reduce consumption. The high price of beef cattle was leading to boycott in some of the Eastern cities; and health faddists were causing irritation. R. C. Pollock, a representative of the National Livestock and Meat Board, told the convention that "One thing we found out immediately after the perfection of this organization was that we had to go to bat with the quacks who were saying that you should not eat meat. If you were not feeling well, you should leave meat alone, if you were having trouble of any kind, cut out meat and you would be all right. The newspapers were full of it. Through the efforts of the National Livestock and Meat Board we have been successful in stopping most of this propaganda."

"We are getting wonderful support from the Department of Agriculture. We are working in the high schools. We are making them think in terms of meat. * * * We prepared a textbook on meat and sent it to the high schools and this book is now being used in more than nineteen hundred high schools in the United States. * * * We are also working in the colleges." The speaker went on to point out that railroads, women's organizations and trade journals were helping them to increase meat consumption. "We are getting the best of support from the market papers in all of the central markets, and from the press syndicates, the United Press, the Associated Press, etc. We aim to give them two stories a month and in the last year we have had only one story turned down. Of course you can rest assured that the stories we send do not do a great deal of harm to the meat business.

"We have carried on research work in Rochester to find what could be done to restore the red blood corpuscles. We have found that calves' liver and beef liver are one of the best foods you can give to a person who has pernicious anemia. As a result of that, try to buy some liver today and see what you pay for it. You should grow calves with larger livers."

Montana Horse Raising

Pack horses and mules and riding horses were a prime necessity for early Montanans. Except those who came by steamer and stage coach, each brought at least one horse with him. It is impossible to tell about the "first" horse as we can the "first" cow or "first" sheep. Before the fur traders came, the Indians of Eastern Montana had horses they had stolen from the whites, exchanged from other Indians or inherited from their ancestors.

The Indian made no attempt to improve the horse by careful breeding, although he had clearly defined ideas as to what qualities he liked in horseflesh. Consequently, the Indian ponies were often very "scrubby." Horses frequently escaped from their owners and a "range horse" developed which knew no master. Thus, at no time has there been in Montana a possibility of accurate count on the horses within its boundaries. All figures hereinafter given do not include any horses owned by Indians or "wild" range horses.

The assessors of 1865 found 1,207 horses and 464 mules and asses. Five years later there were 8,620 assessed at an average of fifty-five dollars a head. In 1881 the 63,114 horses reported were valued at thirty-eight dollars each; and the 2,267 mules and asses were considered to be worth sixty-six dollars on the average. Ten years later (1890) there were 162,000 horses, and the demand since then has brought about a steady increase. The Spanish-American war and the European war both furnished big markets for horses. The half million horses in 1918 were valued at a hundred dollars apiece. And by 1926 this number had raised to 576,000, but their value had greatly declined.

As the number of cattle and sheep increased the range became more valuable. The grass consumed by the valueless "cayuses" or horses, dwarfed by years of neglect and liberty, began to be begrudged these wild horses, and after the European war there was no market for them because all the governments were turning back into civilian usage the thousands of horses used in the armies, and also the big demand had led to overproduction.

The problem of the disposition of these "cayuses" became acute. Their hides were not valuable enough to pay for rounding them up, slaughtering, and skinning them. But a market for canned horse flesh developed in Europe, and when the railroads granted a reduced rate on horses shipped to canneries it became possible to rid the range of them.

The replacement of work horses by machinery has probably reached the peak, for ranchers are discovering that colts are cheaper than tractors and that hay and oats are cheaper than gasoline. The only factor that favors the machine is the reduction in labor costs and as farm labor has steadily decreased in cost since 1919 and shows evidence of further decrease, the use of horses instead of tractors will probably show some increase. Horseback riding has again become fashionable in high society during the last decade and this has stimulated to some extent the demand for horseflesh.

The Sheep Industry

Sheep were first brought into this region in 1857, being taken into the settlements in the Bitter Root Valley. In the summer of 1867, two or three hundred sheep were driven into Montana by the Jesuits. They were wintered near Saint Peter's Mission, and in the following summer were pastured near the Priest ranch at the headwaters of the Little Prickly Pear. However, the coyotes took such heavy toll that the remainder of the flock was sold to Helena butchers. In 1870, the assessors found 4,212 head, and that same year William C. Orr drove in from California 2,700 more.

W. A. Clark in 1876 estimated the sheep in Montana at 40,000 head. Either his estimate was very low or a big increase took place, for in 1881 the assessors found more than 260,000 and valued them at $729,000.

The bringing of sheep into the territory was bitterly resisted by the cattlemen, for it was claimed that cattle would not graze on land where sheep had fed. The sheep, it was said, pulled the roots of the grasses. Sheepmen, denying this, said their animals would browse on sage brush preferably to the native grasses. In spite of much strife, and some efforts to destroy flocks of sheep, the industry persisted, gained a foothold, and finally became one of the leading industries of Montana.

A MOUNTAIN SHEEP RANCH

There were also depredations of wild carnivorous animals to be considered. The sheep is an utterly defenseless creature,—it cannot defend itself in any way and it is not fleet enough to escape its enemies. Consequently the wolves and coyotes of Montana learned to like mutton as well as beef. In 1884 the territory paid a twelve thousand dollar bounty for the killing of 568 bears, 146 cougars, 5,450 wolves, and 1,774 coyotes.

The Bounty Laws

From 1895 to 1917 the State Legislature took an active interest in relieving the livestock industry of Montana from the depredations of carnivorous animals.

An act approved 26 February, 1895, offered a bounty on each wolf or coyote, killed, of three dollars a head. This act did not become effective until the first of December following, and in the first year of its operation the claims to bounties amounted to $137,427. The claims included 18,216 coyotes. "It is my observation," said Governor Smith to the Legislature of 1879, "that coyotes do little or no damage to the stock interests on account of their cowardly instincts. The great damage to our stockmen from wild animals is caused by the gray wolf. I would therefore recommend that all bounty laws be repealed except the bounty on gray wolves."

The Legislature apparently did not agree with him in his view of the innocuous nature of the coyote, for it did not repeal the act as recommended. Instead of repealing the act, the next Legislature, by an act approved 27 February, 1899, laid a levy of five mills on the value of cattle, horses, mules, asses, and sheep in order to pay a bounty of five dollars on each wolf and two dollars on each coyote or wolf pup.

The increase in the assessed value of livestock in Montana enabled the Legislature of 1903 to reduce the levy to three and one-half mills. In this levy goats were included for the first time. Bounties were raised to three dollars each for coyotes and wolf pups and coyote pups were included at three dollars a head as well as bears and cougars at seven dollars a head.

The next Legislature saw fit to increase both the levy, to four and one-half mills, and the bounty. By the act of 1 March, 1905, the bounty on the wolf was doubled, the bounty on the bear was dropped and the bounty on the cougar raised to ten dollars a head. In 1907 the special tax on livestock for the benefit of the bounty fund was repealed.

By an act approved 25 February, 1911, the bounty on the wolf was again raised this time to fifteen dollars, with the other bounties being continued as formerly. Six years later the bounty on coyotes and the pups were lowered fifty cents each. Under this law large disbursements were made for the destruction of predatory animals. In 1926 the bounties paid amounted to $38,978. These bounties were paid to individuals in addition to the salaries paid the hunters of the predatory animal control of the Biological Survey.

It is surprising to note the wide variation betwen the production estimate of the county assessors and those of the shippers. For example, an agent of the Bureau of Animal Industry, by checking the freight shipments, estimated the clip of 1891 at 14,138,572 pounds, whereas the assessors returned for 1891 a clip of only 8,344,834 pounds.

The assessed valuation, which was doubtless far under the real value, rose rapidly during the period 1884 to 1893 with but one setback. Fortunes were made and lost in the sheep industry. A cold winter meant heavy losses; a wet spring was hard on the lamb crop; competition in the eastern market lowered the price of both wool and mutton. A favorable year brought a host of new competitors in the following season.

The big sheep-raising counties of Montana were Chouteau, Fergus, and Meagher. Custer County reported a 110 per cent increase in its flocks in 1893 over its figures for 1892. The following table shows the interesting increase in numbers and values reported by the assessors, figures far under the actuality:[4]

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[4] First Annual Report, Bureau of Agriculture, 1893. Pages 276-7.

	Number of Sheep Assessed	Valued at	Pounds of Wool Produced
1884	593,896	$1,693,148	2,157,768
1885	798,682	1,829,079	2,639,319
1886	968,298	1,952,728	3,949,011
1887	1,062,141	2,148,551	4,701,622
1888	1,153,771	2,165,719	4,422,030
1889	1,180,603	2,762,004	7,023,134
1890	1,555,116	3,634,195	7,783,007
1891	1,517,753	3,836,056	8,344,834
1892	1,517,753	3,836,056	10,180,941
1893	2,254,527	5,980,316	13,270,199

A steady increase in the number of sheep and the weight of wool clip persisted. In 1900, it was claimed that Montana was the first sheep state in the Union. At any rate, there were nearly four million head in the state and these produced twenty-six million pounds of wool.

SHEEP SHEARING CORRALS

In 1909, the industry reached its height when Montana had 6,643,000 sheep. Thereafter, the count rapidly decreased until in 1921 there were less than two million sheep in the state. Since that time, the flocks have steadily increased, for with the increase in the price of beef and pork, mutton had to follow, and the excellent prices received for wool has drawn much new capital into the industry.

The passing of the open range forced a readjustment in the industry. The increase of both cattle and sheep, and the immigration of settlers who homesteaded many small acreages brought about a condition whereby sheeplands were either fenced by their private owners and assessed for taxes or else sheep paid a per capita rental for grazing in the national forests or on leased land.

The Inception of the Wool Growers Association

The wool growers of Montana met in Helena, in the Board of Trade rooms, Granite Block, on 11 November, 1895, to organize themselves for the protection and advancement of the industry. During the previous month meetings were held in the various counties to elect delegates to this state convention. The Wilson-Gorman free wool tariff act of Congress had greatly irritated the wool growers, for they considered this inimical to their industry. The McKinley Act had yielded over five million dollars in import duties in 1890, increasing yearly until it had yielded over eight million dollars revenue on wool alone in 1893.

A committee headed by Cornelius Hedges, of Helena, drafted a constitution which was adopted the following day. Thomas C. Power was made president of the new organization; D. E. Folsom, of Meagher County, vice president; and Bernard Brown of Helena, secretary-treasurer. Its executive committee consisted of the above-named with the addition of C. S. Huntley, of Jefferson County, and Prof. A. M. Bowers, of Fergus County.

Their first important business after organizing was to vote an assessment of fifty cents a thousand head of sheep for the purpose of sending Senator T. C. Power and W. G. Conrad to Washington. These gentlemen had already indicated their intention of going at their own expense in the interest of securing a protective tariff for the industry.

The Helena *Daily Herald* of 6 January, 1897, remarked: "In times past state and county wool growers' associations have been organized in Montana, but as a rule they have failed to accomplish any tangible results. A movement is now on foot to bring about an organization which promises to be of some actual benefit, because it has a definite object in view. That object is co-operation. Manufacturers are organized, commission men work together, railroads pool their interest and the wool grower becomes their victim. He hauls his wool to the nearest railroad and takes what buyers choose to give him, or hands it over to commission men and pays one-sixth of the value of the wool for having it sold."

On Wednesday, January 6, 1897, Senator E. P. Chandler and Representative C. H. Perrine of Fergus County, joined by Representative William Lindsey of Dawson County, issued an invitation for wool growers to meet in the Board of Trade rooms in the Granite Block, Helena, to discuss the organization of an association, on the following Saturday.

This meeting approved the plan of organizing a stock company for the purpose of shipping and marketing wool on a co-operative plan and a meeting for further organization was called for February 16th. A committee consisting of Cornelius Hedges, C. H. Perrine, C. D. Hall, B. D. Phillips, and R. N. Sutherland was appointed by the chairman, A. J. Davidson, to draft articles of incorporation, a constitution and by-laws for the Montana Wool Commission Company.

The next meeting of the Montana Wool Growers Association was held again at Helena, Tuesday, 16 February, 1897. In the fifteen months of its organization it had gained a membership of one hundred twenty. This meeting discussed the advisability of creating a board of sheep commissioners to protect the owners from sheep diseases being introduced and against the ravages of theft. Senator E. P. Chandler was deputized to introduce a bill providing for the creation of such a board, the Fifth Legislature then being in session.

Then followed the consideration of the recommendation of a committee supporting the National Wool Growers in an attempt to get a tariff on wool. "Our experience with free wool has demonstrated the fallacy of every argument urged by the advocates of that un-American policy which has reduced our wool growers to the verge of bankruptcy and despair, relieved only by the hope that the incoming administration and new Congress will revert to the policy of giving adequate protection. * * * The injustice of a discrimination of two cents per pound against the growers of the Western States as suggested at a meeting of the manufacturers and growers held January ninth last, upon the ground of free range is at once apparent when we consider that the western growers are subject to a freight rate of not less than two cents per pound more in getting their wool from that point where they shear it from the sheep to the market than are the growers of the middle and eastern states; and that the schedule of wages is one hundred per cent higher than the same class of labor in the East. The cost of living is fifty per cent higher; interest and taxes are thirty-three and one-third per cent higher."

The meeting did not like the plan of a wool warehouse, and killed the scheme brought forward by some sheepmen a few days previous to organize a co-operative marketing company. In its stead they favored a trial of the auction method of disposing of their wool.

Thomas C. Power, first president of the Wool Growers Association, became the president of the Sheep Commission and continued to serve in that office until the Commission was absorbed in the Livestock Commission.

The Board of Sheep Commissioners

On March 5, 1897, Governor Smith approved an act establishing a Board of Sheep Commissioners consisting of one man from each sheep producing county. The board received expense money but no salary. Its duties were to supervise the industry to protect the sheep interests of the state from theft and disease and devise legislation.

A sheep inspection and indemnity fund was created by this act by levying a half mill on every dollar of assessed value of the sheep in the state. Out of this fund were to be paid the expenses of the deputy sheep inspectors who had been authorized by an act approved in 1895 to inspect sheep for scab and to quarantine infected animals.

T. C. Power was made president of this board and Cornelius Hedges became its secretary; Bernard Brown, the first named secretary, having removed from the state before the board could function. It is interesting to note in the report of the state veterinarian to this body, the statement that, "On this date, November 1st, 1897, there is not one case of scab within our borders, nor is there any other infections or contagious disease of any importance affecting our sheep. The natural conditions in Montana are conducive to health in sheep and the active vigilance that we exercise in inspecting all sheep entering, leaving, or in transit through our state will, no doubt, keep our borders ever free from infectious disease of any nature."

In 1917 the Board of Sheep Commissioners and the Board of Stock Commissioners were united to form the Livestock Commission, consisting of six unsalaried members.

The Association of 1906

The above-described wool growers' organization did not, apparently, continue to maintain itself, for Governor Toole at the request of representative wool growers called a convention of wool growers at Helena to meet October 3-6, 1906. This convention elected J. E. Bower the president of the association which it formed; A. K. Prescott, vice president; and H. J. Giltinan, of White Sulphur Springs, its secretary-treasurer. At the same time they formed a Montana Wool Growers Commission Company to sell their wool co-operatively. Articles of incorporation for this company were filed 18 October, 1906, with a capital stock of $500,000. The incorporators were John T. Murphy, Thomas C. Power, and Lewis Penwell.

At this time C. M. Bair, of Billings, was said to be the largest individual owner on the North American continent. His clip in 1905 was nearly a million and a half pounds, and filled, when baled, forty-four freight cars. The reported price at the time was $360,000.

On 20 April, 1921, the present Montana Wool Growers Association was incorporated by the following named trustees: Charles H. Williams, M. T. Grande, Samuel Phillips, E. O. Selway, G. M. Lewis, M. H. Gerry, Jr., and Samuel McKennan. Charles H. Williams of Deer Lodge was made president of this organization and C. N. Arnett, secretary.

The purpose of this association was not only "to maintain, encourage, promote, and protect the industry," but in addition "to enter into contract with and receive consignments of wool from individual members, partnerships, or corporations who are members for the purpose of pooling, warehousing, and selling such consignments." In 1926 a full-time secretary, Murray E. Stebbins, was employed. Membership dues were a cent a head for sheep owned more than one year old, and by 1928 more than eleven hundred members were organized.

Recent Trends in Numbers and Values

Under heavy tariff protection the sheep interests of Montana have thrived. As the following table exhibits there was a time not many years ago when the number of sheep within the state had shrunk considerably below the high mark of 1909, but increasing demand for both wool and mutton revived the industry.

Sheep and Wool 1900-1927

	Number of Sheep	Value	Wool Clip (in pounds)	Value
1900	3,717,160	$ 9,818,000	26,020,000	$4,163,000
1905	5,639,000	14,098,000	37,700,000	7,540,000
1910	5,747,000	14,731,000	33,600,000	6,773,000
1915	3,340,000	8,350,000	26,950,000	7,302,000
1920	2,450,000	21,663,000	16,000,000	5,920,000
1925	2,579,000	9,926,000	20,967,000	9,156,000
1926	2,880,000	14,590,000	23,320,000	8,855,000
1927	3,053,000	12,725,000	24,299,000	6,761,000

The above figures, in spite of earnest efforts to the contrary, are nothing better than careful estimates. For example the number of sheep in 1900 is given in some places as 6,170,000, a figure more than double the number reported by county assessors. Again, the price of wool in 1919 was fifty cents in January, forty-four cents in April, twenty-eight cents in July, and twenty-six cents in October. It is impossible to tell at which one of these prices the bulk was sold. To take the average for the year, as the author has been forced to do in the above table, is merely to make a bad guess.

Fences Versus "Open Spaces"

After 1920, thousands of pure blooded cattle and sheep thronged the well-fenced fields where once only the buffalo and antelope roamed. Every year these cattle and sheep produced a larger revenue than the best years of buffalo hide-hunting.

The most favored type of beef cattle was the Hereford, and next in importance came the shorthorn, which was the first to be brought into Montana. Other types only had a few representations in 1923. Of the sheep, the Rambouillet was the only breed returning a large number.

For Further Reading

Rudolf A. Clemen, *The American Livestock and Meat Industry* (1923).

Frederic L. Paxson, "The Cow Country," in *American Historical Review*, XXII.

Paxson, *History of the American Frontier.* Houghton Mifflin, 1924. Is more easily obtained than the item listed above and contains an epitome of it with additions.

The annual publications of the Bureau of Agriculture, Labor, and Publicity, of the State of Montana since 1893 contain a mine of information not only concerning the livestock industry but all others as well.

CHAPTER XIII

THE RAILROADS OF MONTANA

The Utah and Northern (Union Pacific)

Although the Northern Pacific had started their survey work as early as 1853, the Utah and Northern was the first railroad to enter Montana. John W. Young, a son of Brigham Young, was largely responsible for this extension. There was considerable local capital invested in the line but the success of its progress was due to the New York contractors—Joseph and Benjamin Richardson—engaged by John Young. His idea was to extend the line, following the old emigrant routes, over the Oregon Trail and northward into Montana and Idaho. Passing through the stage of receivership, it came into the hands of the Union Pacific and was operated as a narrow gauge branch line.

By act of Congress, in 1873, the Utah and Northern was granted right-of-way, enabling it to extend its lines by way of Bear River Valley, Soda Springs, Snake River Valley and into the Montana Territory to a connection with the Northern Pacific. It was to be completed within ten years after the act was passed. By another act, approved in 1878, the grants were modified, allowing the Utah and Northern to build by way of Marsh Valley, Portneuf and the Snake River Valley.

In 1875 Congress passed a general railway act, granting the Utah and Northern a right-of-way from certain counties in Montana where committees were appointed to solicit the Utah and Northern, Union Pacific and other railroads, and to encourage their early entrance into the territory. The Montana Legislature approved certain routes feasible to the Utah and Northern.

In the meantime this line was steadily reaching the Montana line. When it reached the state line, in April, 1877, its president, Sidney Dillon, proposed to Governor Potts that the line enter Montana. A special session of the Legislature was held to consider the proposition. Wilbur F. Sanders, leader of the Upper House and chairman of the Judiciary Committee, although strongly opposed, advocated the advantages of the railroad. The road had already crossed the Montana boundary and advanced ten miles northward. In 1878 it gained stability by placing a thirty-year bond issue for $4,991,000, covering 389.59 miles of roadbed from Ogden, Utah, to Silver Bow, Montana, and 56.59 miles from Butte to Garrison. The road was completed from Ogden to Silver Bow in 1880 and the branch line to Garrison in 1881. The Garrison line was handed over to the Northern Pacific by a ninety-nine-year lease. The main line remained until 1889, operating under what was known as the Union Pacific System.

The Utah and Northern consolidated with the Oregon Short Line in 1889, and the two were merged into the Oregon Short Line Railroad Company in 1897. This is still operated as the Oregon

Short Line with its Montana terminus at Butte. Dillon is the only other city of any size along its route.

The Northern Pacific

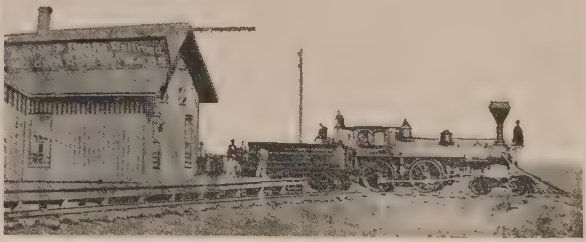
The Northern Pacific line was the first to be projected, in Montana, and the second to be completed. Governor I. I. Stevens, of Washington Territory, made a government expedition and Northern Pacific survey in 1853, making comprehensive reports of observations of the fauna, flora and topography of the country from the Mississippi River to the Pacific Coast. The charter and organization of the Northern Pacific Company dates from 1864. The company received a decided set-back when the Union-Central Pacific was completed in 1869.

Josiah Perham was a staunch supporter of the Northern Pacific, turning his interests of promoting a line from the Missouri River to San Francisco Bay, to the route contemplated by the Northern Pacific from Lake Superior to Puget Sound. Perham gained the support of Thaddeus Stevens, of Pennsylvania, and in 1864 President Lincoln signed the Northern Pacific Bill, providing for a land grant of twenty sections per mile of track in the states of Minnesota and Oregon and forty in the territories. It provided that no money could be drawn from the United States treasury to aid in the construction of the railroad. The bill also provided that after ten per cent of the required $2,000,000 in subscription should be paid in, the company should organize. Mr. Perham was elected its first president. The first set of directors under Mr. Perham had had no practical experience and proposed to raise $100,000,000 by subscription of a million individuals buying one share of stock each at par. The plan failed and the road was turned over to a syndicate of eastern capitalists for barely enough to pay its debts. Mr. Perham did not live to see the beginning of construction. He died at Boston in 1868 and was succeeded by J. Gregory Smith. Jay Cooke and Company, of New York, were induced to sell the company's bonds, through the efforts of President Smith. Mr. Cooke was a very successful financier, having previously negotiated the war loans of the Government. In a period of about two years his company disposed of over thirty million dollars worth of Northern Pacific bonds and with this amount of money the company started construction in 1870. The road was completed from Duluth on Lake Superior to Bismarck, from Kalama, on the Columbia River, in Washington Territory, to Tacoma on Puget Sound, making about six hundred miles of track completed by 1873.

The panic of 1873 ruined Jay Cooke and Company; stopped the sale of Northern Pacific bonds and made it impossible to go on with the construction of the railroad. The company was insolvent and soon thrown into bankruptcy, finally reorganizing and freeing itself from debt by assent of its bondholders to convert its outstanding bonds into preferred stock. It was reorganized in 1881 by Henry Villard, who controlled transportation lines on land, sea and river, in Oregon and Washington. He and his friends bought a controlling interest in the stock of the Northern Pacific Company.

Villard was elected president of the company and proposed to ally the Continental Trunk Line as extensions. To complete his purpose he organized the Oregon and Transcontinental Company, which aided the building of branch lines for the Northern Pacific Railroad.

Henry Villard, president of the Northern Pacific Railway from 1881 to 1883, was born in Speyer, Rhenish Bavaria, in 1835, and received his education in the University of Munich. He came to the United States in 1853, at the same time changed his name from Helgard to Villard. When he first came to America, Villard was interested in newspaper work, winning distinction as war correspondent with the Federal army during the Civil war as a correspondent for the New York *Times* during the Austro-Prussian war. After the financial panic of 1873 he was made representative of several committees of German bondholders in connection with Pacific Coast railroads. Later he went to the Pacific Coast and organized the Oregon Railway and Navigation Company through the aid of European investigators. He formed a syndicate which obtained control of the Northern Pacific Railway and became its president in 1881. The main line of the road to the Pacific was completed under his direction but at such expense that he sacrificed his fortune and retired from the presidency. He later regained his finances through the aid of German capital. A few years later he gained control of the Northern Pacific, and from 1889 to 1893 was chairman of the Board of Directors. He was also interested in promoting Thomas Edison and in 1890 organized the Edison General Electric Company and became president of the company. In 1866 he married a daughter of William Lloyd Garrison.



IN THE EARLY DAYS

After the effects of the panic began to pass, the managers of the company started to continue the work on the Cascade branch, from Tacoma to the coal fields at the base of the Cascade Mountains. A loan was negotiated making it possible to construct the road from the Missouri to the Yellowstone River, and soon afterwards another loan helped to build the road from the mouth of the Columbia to Lake Pend d'Oreille in Idaho. By this time the credit of the company was good and bonds were sold above par by a syndicate of New York bankers.

During the years 1880, 1881 and 1882 construction went on rapidly from both ends of the line. The Missouri division, containing two hundred seventeen miles of track, was completed to Glendive in the spring of 1882, and by the spring of 1883 the remaining track to be constructed was reduced to three hundred miles, on which the grading was practically done.

On September 8, 1883, the golden spike which marked the meeting of the eastern and western lines was driven by Henry Villard, at a point between Garrison and Gold Creek, Montana. The last rail was attached to a Western Union wire running to the branch office in New York, and the general officers gathered around the telegraph instrument to hear the blows of President Villard's silver sledge hammer. The last stroke, driven by H. C. Davis, assistant general passenger agent, who drove the first spike on the opening of the road, signified the completion of a great national highway.

Interesting features of the line are the two great tunnels, one which is 3,600 feet long, at the Bozeman Pass, in the Belt Mountains, and the other, 3,850 feet long, at the Mullan Pass in the main division of the Rockies. There are two large bridges on the line; the Bismarck bridge across the Missouri, at Bismarck, North Dakota; and the Ainsworth bridge, across the Snake River. The former ranks among the great railroad bridges of the world. The lines cross the Yellowstone River three times; the Upper Missouri, once; and the Clark's Fork of the Columbia three times. Another interesting feature of the road is the Marent Gulch trestle, which is eight hundred sixty-six feet long and two hundred twenty-six feet ten inches high at the center pier. On August 7, 1883, the first Northern Pacific train consisting of a locomotive with five loaded cars crossed the main range of the Rocky Mountains, with ease, proving the overhead line to be a success. This is the highest point between Saint Paul and Portland, being about 6,000 feet. The first Northern Pacific passenger train crossed the Rockies on August 16, 1883.

The efficiency of early engineering was shown in the building of the Mullan tunnel. The tunnel directed from the eastern and western ends met within two inches, the grades met within three-quarters of an inch, and the length within six inches. The Bozeman tunnel met with the same success.

In regard to the driving of the golden spike the following extracts are taken from an article appearing in the *Daily Independent* (Helena, Montana), September 9, 1883.

"The train arrived at this point a little behind time, but in good shape. From Portland there came somewhat earlier a splendid train, bearing the prominent citizens of that section to participate in the ceremonies. There were hearty greetings between the American guests of the East and West, and the occasion was regarded as a remarkable one, and as presaging a prosperous future.

"All were surprised at what they beheld. Instead of the wilderness of the Rocky Mountains, they beheld a magnificent pavilion capable of seating more than a thousand people, over which floated the national colors of the American, German, and British nations. In front reaching to the roadbed was an extensive promenade skirted by a platform with comfortable seats. To the right was a bandstand, and on it were seated the Fifth United States Infantry Band who were to entertain them, who came all the way from Fort Keogh. But even stranger than this evidence of civilization, were the scores of vehicles and the hundreds of hardy mountaineers, gathered to welcome Henry Villard.

"Soon as the last of the guests arrived the ceremonies were opened by President Villard, who divided the attention of the enthusiastic multitude with General Grant seated on the platform.

"President Villard, William M. Evarts, Secretary Teller, and prominent guests of the German and English delegations spoke on the progress of the Northern Pacific.

"The governors of Wisconsin, Minnesota, Dakota, Montana, Oregon, and Washington were severally introduced and made brief and appropriate remarks. The governor of Idaho was absent on account of sickness.

"Then there was witnessed a most extraordinary spectacle. Three hundred men, with brawny arms, quickly laid the iron and drove the spikes on the thousand feet of incompleted track, except the last spike. During the progress of the work, which was witnessed by the foreigners with amazement, the band played and the people shouted. When nearly completed a cannon salute was fired by the detachment of the Fifty Infantry, which was present.

"The last spike was formally driven home by H. C. Davis, assistant general passenger agent of the road—who drove the first spike on the opening of the road—and this spike was the same one that was first driven by him. The end was reached as the sun was setting behind the mountains."

The Chicago, Burlington and Quincy

The Chicago, Burlington and Quincy Railroad was the outgrowth of over two hundred separate railroad companies, some of which were started by citizens for the purpose of obtaining better transportation. The West had no money to invest in railroad building, but, through the influence of Mr. John M. Forbes, of Boston, and his friends, sufficient capital was secured to proceed with the work on the C. B. & Q. Mr. Forbes had purchased the Michigan Central Railroad, built from Detroit to Kalamazo at this time, and in order to establish western connections for his road decided to back the Burlington line.

Three of the most important small railroads purchased by the Burlington were: First the "Aurora Branch," completed in 1850, running from Chicago to Aurora. Second, the "Peoria & Oquawka," built in 1849 from Peoria via Galesburg to Oquawka on the Mississippi River. Its western terminus was afterwards changed to Burlington, Iowa, in 1855. During the construction of this line the company encountered financial difficulties and received assistance from the C. B. & Q., which gained full ownership of the "Peoria and Oquawka" in 1864. The third company was one that was organized in 1851 under the name of the "Central Military Tract." This company was also financially assisted by the Burlington.

In 1853 the "Aurora" extended its lines to Mendota where it connected with the Central Military Tract and in 1855 changed its name to "The Chicago, Burlington & Quincy Railroad Company." In 1856 the C. B. & Q. and the Central Military Tract consolidated and eight years later the consolidated company purchased the Peoria Company.

By purchasing the "Burlington and Missouri River Company," in 1872 the C. B. & Q. tracks were extended to Plattsmouth on the Missouri River. Another company, organized by men who were connected with the C. B. & Q., built a bridge over the Missouri River and extended the line into Kearney, Nebraska, where it joined the Union Pacific. This company also built and bought many branch lines in Nebraska which were consolidated with the C. B. & Q. in 1880. In 1882 the line was extended to Denver, Colorado; in 1886 to Saint Paul, Minnesota; in 1894 to Billings.

A CANYON IN THE OUTSKIRTS OF THE ROCKIES

Mr. Charles E. Perkins, who had been in the company's service since 1859, became president of the road in 1880.

In 1901 the Northern Pacific and the Great Northern Railway companies jointly gained control of the Burlington Route, through the efforts of James J. Hill. Mr. Hill saw the benefits of connecting these northern roads with the middle western markets. The Burlington continued to function as before and Mr. Perkins gave the following reasons in justification of the transfer of control.

"The C. B. & Q. will be assured of, what it does not now possess, a permanent connection by the shortest line with the great Northwest, rich in minerals and lumber, with its markets for agriculture and other products, and with the commerce of the Pacific Ocean by way of Puget Sound and the Columbia River. On the other hand, the northern roads will be assured of a permanent connection by the shortest line with the agriculture and manufactures of the Middle West, and the markets to be found there for the products of the North and the commerce of the Pacific. No argument is necessary to show that this assured permanency is of the greatest importance to all of the interests concerned, the people as well as the railroads.

"The whole effect of the combination will be beneficial. Look at a map and see how the lines of these corporations fit into and supplement each other. And when doing so it will interest you to trace, and compare with these railroads of today, the line of march of Lewis and Clark, who took possession of the Louisiana Purchase for the Government of the United States a hundred years ago."

The success of the Burlington has been greatly aided by the country through which it passes. The Middle Western States have a progressive population, interested in the livestock industry, the grain industry, the coal industry, and the beet sugar industry. All the large slaughter houses in the country are located on this line as well as four-fifths of the silver and lead smelters in the United States. Ninety per cent of the manufacturing done in the State of Illinois is reached by the Burlington.

The Burlington also carries the fast mail between Chicago and Omaha. For many years various railroad companies contested for this privilege but the service of the Burlington has been so satisfactory that the competition proved useless and soon ceased. No subsidy is paid by the Government for this special service but all through mail is concentrated on this route.

The main line of the Chicago, Burlington and Quincy makes a loop in Southern Montana, entering the state at Aberdeen and following the Little Big Horn River to Hardin. From Hardin the line goes west to the Yellowstone River, following the river and the Northern Pacific to Billings and on to Laurel. At this point the road turns south, following a branch line of the Northern Pacific to Fromberg. The route then turns slightly east and leaves Montana just north of the small Town of Frannie, Wyoming. Billings and Hardin are the main cities along the route. There is one branch line from Hardin to Foster.

For many years the Burlington has been interested in the welfare of the farmer, and has been to him a very valuable aid. In its earlier history the Burlington sold the land, given to aid in its construction, to settlers at a low cost on long time payments, sometimes bringing the settlers and their household property to their destination free and in this way helped to settle the land which is today returning the favor in produce to be shipped.

The Great Northern Railway

The history of the Great Northern Railway Company began soon after the panic of 1873. James Jerome Hill had visions of buying the Saint Paul and Pacific Railroad, a small road between Saint Paul and Saint Anthony, and making a real railway line. In 1876 Hill was the proprietor of a wood and coal store in Saint Paul, and had become quite a town character. He was born near Buelph, Ontario, of Scotch-Irish descent. Not being attracted by his father's farm he left Ontario to seek a career in Minnesota. He tried various occupations and in 1870 formed the Red River Transportation Company, which was the first to open trade between Saint Paul and Winnipeg.

The panic of 1873 caused the Saint Paul and Pacific to go into the hands of a receiver. Most of the security holders were in Holland and were eager to recover what they could for their shares. In 1878, through the aid of George Stephen, later Lord Mount Stephen, Donald A. Smith, later Lord Strathcona, and Norman W. Kittson, Hill was able to purchase the Saint Paul and Pacific Railway from its Dutch stockholders. In 1879 the company was reorganized as the Saint Paul, Minneapolis and Manitoba, of which Hill was the general manager, 1879-1881; vice president, 1881-1882; president, 1882-1890, when it became part of the Great Northern. Between 1888 and 1893 the main line of the Great Northern from Lake Superior to Puget Sound, with its branches and direct steamship connection with the Orient, was built with Hill as promoter. He was president of the line from 1893-1907 and chairman of the board of directors from 1907 to 1912. Hill was also president of the original and reorganized Northern Securities Company. He served as director in many railway and other corporations and was president of the New York Chamber of Commerce.

The western states were developing rapidly and immigration was steadily increasing. By 1885 the Northern Pacific had been completed and the Canadian Pacific had almost reached the coast. The Saint Paul and Pacific was originally intended to be a transcontinental line, and James J. Hill made the intentions good by 1893. Mr. Hill's idea was to complete the road with the greatest economy possible and he therefor chose the northern route because of its low grades and easy curves. In 1887 the lines were extended to the Montana border where they connected with the Montana Central, a company incorporated in 1866.

No time could be lost in gaining a foothold in Montana. Work began at once and in 1887 the track was completed to Helena, and to Butte in 1888. A branch line to the coal mines of Sand Coulee was opened in 1888, in order to obtain fuel for the Montana and Dakota divisions.

The Great Northern, unlike most of the transcontinental lines, received no large land grants or any public aid. It was only through the efforts of J. J. Hill that the road was able to be built. He chose the route of the road, being careful about having unnecessary expenses for grades, bridges and tunnels. Recognition of

Mr. Hill's ability is shown in the following article originally published in the Billings *Journal.*[1]

"There is probably no man in the United States who possesses more sagacity than Mr. Hill. Despite the prejudice which, unfortunately, seems to exist in the human breast against the more than ordinarily successful man, the suggestions he makes contain much that the public would do well to carefully consider. In his reaching out for control of the earth, Mr. Hill's policies have often seemed to conflict with the interests of the public but when he gives good advice, which he always does, when he says anything at all, it is worthy of attention."

Work on the Montana extension of the Great Northern began at Pacific Junction, Montana, and terminated at Everett, Washington, consisting of eight hundred nineteen miles of track. The work was completed and put into operation, in this division, on July 1, 1893. In crossing the Continental Divide, Hill extended the line over Maria's Pass, "the best, lowest and most elusive natural pass in the United States." The summit of the pass is 5,202 feet above sea level. Primarily the route was to have crossed the Cabinet Range of mountains in Western Montana but later it was found that by going north from Columbia Falls, Montana, this range could be avoided.

After completing the road through to Puget Sound, Hill's next task was to secure business for the new line. At first he succeeded in getting eastbound freight by finding eastern markets for Pacific Coast lumber and shipping it at a low rate. His next step was to stimulate westbound trade by establishing an Oriental steamship line. In 1900 the Great Northern Steamship Company was organized. Two large steamships were built, the *Minnesota* and the *Dakota.*

"The business increased. The market was opened, the opportunity accepted, our trade with the Orient, no longer a dream, became a splendid fact, as the statistics show. In the ten years between 1893, when the Great Northern reached the coast, and 1903, the exports of the Puget Sound customs district increased from $5,085,958 to $32,410,367, or nearly five hundred forty per cent. In those years our exports to Europe increased fifty per cent, to North America eighty per cent, to South America a little over thirty per cent, and to all Asia over one hundred seventy per cent. To Japan alone the increase was from $3,000,000 to $21,000,000 or six hundred per cent; to China, from $4,000,000 to $19,000,000; to Hongkong, from $4,000,000 to $8,000,000; and to the three, from $11,000,000 to $48,000,000, or over three hundred per cent. At this rate it seemed that the bulk of the trade of the Orient was ours for the asking."[2]

In 1901 the Great Northern and Northern Pacific jointly purchased the Burlington Lines, and formed the Northern Securities Company which was later declared illegal according to the Sherman Anti-Trust Law.

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[1] The Anaconda Standard, January 21, 1909.

[2] James J. Hill. *Highways of Progress.*

All subsidiary companies controlled by the Great Northern, consisting of fourteen railway companies, were purchased and incorporated into the Great Northern System in 1907.

By the year 1900 over 5,000 miles of track had been completed. Subsequent to 1900 the Great Northern increased their traffic by adding many branch lines, both in Canada and the United States. The Columbia apple district was opened up by a line from Wenatchee to Oroville, Washington. A line from Arlington to Mossmain, Montana, made a connection with the Chicago, Burlington and Quincy. This gave the great Northern access to the great farming land of the Middle West. A narrow gauge line was purchased between Sweetgrass to Great Falls, Montana, which was changed to a broad gauge, making a more direct route between the Pacific Coast, Butte and Helena, Montana, and the Southwest. Many new lines were opened up in the Dakotas and Washington.

Not only has the Great Northern increased its track mileage in order to be able to accommodate transportation but it has provided itself with the latest improved machinery. The Great Northern was the first standard gauge railway in the Northwest and the first line built to the Pacific without Federal aid. Today one of the main features of the Great Northern is the "Oriental Limited" train between Chicago and the Pacific Coast. The steel cars used on this train are the newest type manufactured by the Pullman Company. Oil burning locomotives are used on the line between Wolf Point, Montana, and the Coast making the greatest cinderless mileage in the Northwest. It was one of the first lines to aid in the development of the low-voltage light signal, which gives both day and night signal service.

The success of a railroad depends on the prosperity of the country through which it passes. The extensive growth and development of the Great Northern Railway Company in the Northwest proved their faith and optimism in the growth and prosperity of this region.

In a recent report given by President Budd of the Great Northern the following increase in railroad mileage and population in Montana was shown:

Year	Railway Mileage	Population
1890	2,181	142,924
1900	3,010	243,329
1910	4,207	376,053
1920	5,072	548,889
1930 (Estimate)	5,250	650,000

Other interesting features of President Budd's address were:

"Motor trucks are handling an increasing amount of freight and will continue to do so, especially where the haul is short compared to the time consumed at terminals. In many instances, trucks enable farmers to bring produce to stations from remote sections where railway construction would not be justified. In Montana especially the truck is a local convenience which advances the growth and development of the country. It serves, in most instances here, to supplement the railway service and not to take from the railroads traffic which if left to them would keep down costs and therefore make for lower rates.

"The increasing use of airplanes and the fact that airplane factories have orders to keep them busy for many months in the future, entitle this new means of travel to consideration on the part of every student of transportation. The progress already made in commercial aviation, great as it has been, is not sufficient to justify any definite forecast as to its ultimate future. The greatest activity, of course, has been in the carrying of United States mail.

"Quite recently arrangements were made where, by combining rail and air travel, the trip will be made from New York to Los Angeles in two days and two nights. This will be accomplished by riding trains at night and airplanes during the day time. Until the service is established, no one can tell the extent of the patronage it will enjoy, and whether it will be expanded and extended to other routes must depend entirely upon how much the traveling public will use it.

"The Great Northern extends to and through the Northwest and its whole future success is bound up with the future prosperity of the northwestern part of the United States. It is desirous always of furnishing transportation to the northwestern region of as good and ample a character as that furnished by any railway to any region. Having this in mind, the officers of the Great Northern conferred with the officers of the Transcontinental Air Transport Corporation, which will perform the air service on the New York-Los Angeles route. As a result of these conferences air service will be inaugurated in connection with rail service between the Twin Cities and Chicago this month. Like that between New York and Los Angeles, the air route in combination with the rail route to the Northwest will expand or not according to the patronage it enjoys.

"By this arrangement, eastbound travelers on the Oriental Limited arriving at Minneapolis at 7:30 a. m. may continue to Chicago by airplane, reaching there in time for the fast trains to New York, arriving at destinations in the morning rather than in the evening, thereby saving a business day. Westward, a similar saving in time is accomplished which enables the passenger to leave Chicago in the afternoon and catch the Glacier Park Limited, which leaves Saint Paul at 11 p. m."

The year 1887 marked the height of western railway building. Within a few years all construction ceased because of a financial panic, in 1893, caused by the difficulty of the Treasury Department to maintain a sufficient gold reserve. The effect of this panic was even greater than that of 1873, and its evidence lasted until the close of the century. Among the larger western lines that were forced into the hands of receivers were the Santa Fe, the Northern Pacific, the Saint Louis and San Francisco, and the Union Pacific.

By 1907 the Northern Pacific had reached its capacity as a single track railroad. In the same year $73,000,000 was expended to construct additional lines. The Spokane, Portland and Seattle Railroad was built, giving the Northern Pacific a double track from Spokane to the Pacific Coast. Double track was laid east of Spokane. Only twenty-three per cent of the eastern traffic of the Northern Pacific went west of Spokane at this time. Double track was also laid between the Bozeman tunnel and Logan, Montana.

The extent of the Northern Pacific was brought before the public when James J. Hill, president of the Great Northern, renewed his efforts to gain control of the Northern Pacific lines. In 1895 there were many interesting articles containing the court proceedings in Minnesota concerning the relation of two lines. The Helena *Daily Herald* made the following statement in the issue for November 14, 1894:

"The Great Northern is a strong local system in Minnesota and North Dakota, and gets two-thirds of its earnings in those states. As a transcontinental road it is weak and incomplete, and must be strengthened at heavy expense. As a local system in Montana, Idaho, and Washington it cuts a very small figure in comparison with its rival. The Northern Pacific gets two-thirds of its earnings from the region west of the wheat fields of North Dakota. It is essentially a transcontinental line projected as such, equipped as such and provided with feeders in all of the states it traverses. There is nothing to wonder at President Hill's great anxiety and eager effort to get control of the Northern Pacific. He must either succeed in the undertaking or he must at once cast about for means to raise a very large amount of money to complete his own system."

The article remarked further that the Great Northern frankly stated, in its answer in the Pearsall and Child's cases, that in order to compete successfully with the Northern Pacific, it would have to build at once an additional four hundred miles of track along the Pacific Coast. The cost would be $25,000 a mile, making a total of $10,000,000. Additional terminals would have to be built in Spokane, unless a consolidation or traffic agreement was made. Northern Pacific terminals in Spokane cost $1,500,000 and it was estimated that the Great Northern would have to spend $1,300,000 for the same purpose. At Tacoma the Great Northern owned no property while the Northern Pacific terminals were valued at $3,500,000. At Seattle the Great Northern would have to expend $500,000 to equal the Northern Pacific. At Portland the Northern Pacific owned an investment of $1,600,000 while the Great Northern would have to spend a like sum if it built terminals there and a necessary tunnel would cost $2,500,000. Taking all of these items into consideration, the Great Northern would have to spend $19,600,000 on the west side of the Cascades in order to equal the extent of the Northern Pacific.

When comparing the two lines in Montana and Idaho the Northern Pacific had six hundred nine miles of branch lines reaching the mining camps, agricultural centers and the Yellowstone Park, while the Great Northern had only its Montana Central branch, of two hundred ninety-one miles to Great Falls, Helena and Butte. To compete for local business the Great Northern would have to expend $10,000,000. Practically the same conditions existed in Eastern Washington. In order to reach the large wheat fields in this region the Great Northern would have to increase its branch lines by spending at least $5,000,000.

The Northern Pacific had considered building a line into the Redwater Valley, in Montana, in 1905 but the World war and the reorganization of the larger railroads delayed this project for twenty years. Preliminary steps toward the development of the Redwater line were taken in 1926. Final authority was granted by the Interstate Commerce Commission and construction was started at Glendive on June 27, 1927. The line, when completed in June, 1928, consisted of sixty-two miles of track reaching from Glendive to Brockway via Circle. Costing $2,500,000, this construction represented the largest expenditure for agricultural development authorized by the Northern Pacific since prewar days. The Redwater line opened up the pioneer ranching district of Montana, which had recently been converted into rich farming land. Previous to the opening of this line, farmers in this vicinity were not furnished with railway accommodations. The new line served Dawson and McCone counties. Main farming sections in the latter county had been, up to this time, from twenty to sixty miles from a railroad. Nearly 1,500,000 acres of land, which had been unproductive because of remoteness from transportation, was made to rank with great producing areas of America.

Another early proposed Northern Pacific line in Montana that became a reality after the World war was a relocation of the Missoula-Darby line in the Bitter Root Valley. The old line, built in 1888, followed the west bank of the Bitter Root River, which at that time was a logging community. Gradually as the timber was exhausted farming became the chief industry and by relocating the line both the logging and farming industries, as well as the sugar beet and dairying industries would be benefited. The new line consisted of twenty-five miles of track on the eastern bank of the Bitter Root River from Kenspur to Riverside. The cost of the extension was $1,225,000. At the time of the reconstruction the railway company offered to turn over its old right-of-way and road bed to the county for highway purposes.

The Northern Pacific was prompted to this large expenditure for the purpose of developing additional traffic and creating a market for its large land holdings.

The Chicago, Milwaukee and Saint Paul Railway

The Chicago, Milwaukee and Saint Paul was built under the corporate name of the Chicago, Milwaukee and Puget Sound, a Montana corporation, which turned the road over upon its completion, to the parent company. This was the last transcontinental line to be built across Montana. Ample finances and easy transportation, furnished by other railroads in this region, made the work on the Milwaukee comparatively easy.

Most of the building and consolidating of the Chicago, Milwaukee and Saint Paul was done in the early '80s, at which time the line was completed across Minnesota and Iowa. The small panic of 1884 stopped its construction work but it revived in 1886 and by 1887 the road was completed to Kansas City. The work began to slow down again and by 1900 had stopped entirely.

In 1906 E. H. Harriman of the Union Pacific gained control of the Chicago, Milwaukee and Saint Paul by buying up the stock of John D. Rockefeller and others. "As a railroad deal this purchase of the Milwaukee by Mr. Harriman is more remarkable than his Illinois Central deal nearly a year ago. Mr. Harriman had for years been an important factor in the Illinois Central management, but until now he has never been mentioned in connection with the Milwaukee." The deal was also interesting for the fact that in 1900, J. J. Hill, Mr. Harriman's arch enemy in the railroad arena, made strenuous efforts to purchase the Milwaukee but it was refused control by the same Standard Oil interests who, with willingness, turned the property over to Mr. Harriman. The transferring of control did not change the plans of building the railroad to the Coast. For many years Harriman had sought a northwestern outlet to the Coast. J. J. Hill bucked the Milwaukee right-of-way in Montana but his efforts proved in vain. The people of Montana wanted another railroad. The Harriman-Standard Oil combination was opposed to the Morgan-Hill faction.

Construction started on the Montana line in January, 1907, when a camp was constructed at Bonner after a sub-contract had been secured from Winston Bros. The letting of the contract was detained by a controversy over the right-of-way through the narrow passes and valleys along the Hell Gate River. The Northern Pacific had already extended its lines along this route. Finally a right-of-way was obtained and the work started. The work was to be completed by the fall or winter of 1908.

The main line of the Chicago, Milwaukee and Saint Paul extends through the central part of Montana, in a line with Miles City and Missoula, making a loop in the western part of the state to accommodate Butte and Anaconda. Its branch lines include Lewistown, Great Falls, and lesser places in Northern Montana. The main line enters the State of Montana eight miles west of the Little Missouri River and crosses the Northern Pacific tracks four miles east of Terry. Miles City was chosen as division headquarters. From this point the road follows the Musselshell River to Harlowton and Lombard. At Harlowton the Montana railroad from Lewistown to Harlowton connects as a feeder. From Lombard the main line crosses the mountains and continues to Butte. The most difficult portion of the road to construct was the section between Whitehall and Butte, over the Pipestone Pass. The road reached Butte by January, 1908; 2,000 teams and 3,000 men were employed on the road between the Missouri River and Butte at this time.

The first train over the Pacific extension of the Chicago, Milwaukee, and Saint Paul arrived in Butte, Montana, on August 2, 1908. The train was composed of three cars. The president, general superintendent and the division superintendent were among those in the party. President Earling was very pleased with the progress of the road. He stated that next year they would finish to the Coast. The unusual color of the cars attracted the attention of many townspeople.

From Butte the road follows the Deer Lodge, Hell Gate, Missoula and Saint Regis rivers and crosses the Bitter Root Mountains four miles west of Saltese, Montana.

Surveyors for the Milwaukee had a hard time in selecting a route across the Bitter Root Mountains. First Lolo Pass was considered, then the Clearwater. Both of these routes were abandoned and work was begun near Iron Mountain. Plans were made to build a 6,000 foot tunnel and track was laid to the mouth of the tunnel. Work was delayed on the tunnel because of heavy snow and was soon abandoned. A better route had been discovered east of Saltese. The Saltese tunnel through the Bitter Root Mountains was completed in 1908. This tunnel is 8,500 feet long and is considered one of the longest tunnels in the West. In April, 1907, the Milwaukee had ten thousand men working on the road between the Missouri River and the Saltese tunnel.

The "Golden Spike" of the Milwaukee was driven at Gold Creek with very little ceremony, in decided contrast to the driving of the last spike on the Northern Pacific. The road was now (1909) completed to the coast and soon opened transcontinental freight and passenger service.

A Helena newspaper announced the event thus:

> *Drive Spike at Gold Creek!*
>
> The afternoon of April 2, at Gold Creek, Montana, just west of the Town of Garrison, the golden spike linking the western end of the Chicago, Milwaukee and Puget Sound Railway with the eastern end of the extension will be driven, in the presence of a distinguished crowd of financiers, railroad officials, and probably, of the state officers of Montana. Besides the general officers of the Milwaukee who will be present, a number of directors of the road will be on hand, including William D. Rockefeller, son of John D. Rockefeller.
>
> This will be the second time that Gold Creek, where one of the first discoveries of gold in Montana was made, has been the scene of the driving of a golden spike.
>
> In September, 1883, the golden spike of the Northern Pacific Railway was driven at Gold Creek in the presence of Henry Villard, John Schuyler Crosby, territorial governor of Montana; President U. S. Grant, several members of his cabinet, many railroad officials and a score of Indians. This was the first transcontinental road to be built over the northern part of the United States and the event was heralded far and wide.
>
> The Milwaukee is rapidly pushing the building of the line and it was said at the local Milwaukee office today that May 1 the freight service will be inaugurated through to the coast and by July 1 the passenger service will be in operation. This will enable the Milwaukee to get its quota of business occasioned by the Alaska-Yukon exposition.
>
> In all of its folders and in many eastern newspapers the Milwaukee is carrying large advertisements of the possibilities awaiting the settler, the business and laboring man in Montana.[3]

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[3] The Montana Daily Record—March 8, 1909.

The greatest feature of the Chicago, Milwaukee and Saint Paul was the electrification of the line in Central and Western Montana; from Harlowton to Avery, Idaho, a distance of 440 miles. Harlowton is over 4,000 feet above sea level and from there the line rises to Summit, on the ridge of the Belt Mountains with an altitude of 5,700 feet. On the western side of the pass the road goes down to an altitude of 3,900 feet, only to climb again to an altitude of 6,300 feet, near Butte. From here the line goes down to the Saint Regis River, 2,700 feet above sea level. The pass over the Bitter Roots, known as East Portal, has an elevation of 4,100 feet. The electrification of the Chicago, Milwaukee and Saint Paul along this route has proved the success of the use of electricity in a mountainous country. Power producing the electricity used on the Milwaukee was obtained from plants at Great Falls, near Helena, on the Madison River, at Big Hole (near Butte) and at Thompson Falls, near the western border of the state. The work of electrifying the road was started in 1915 and finished two years later.

GREAT FALLS OF THE YELLOWSTONE

The main line of the Chicago, Milwaukee and Saint Paul was finished in 1909 and was the third transcontinental railway to cross Montana. By 1912 the Milwaukee had added a branch line in the Gallatin Valley and one from Ringling to White Sulphur Springs. In 1914 the following branch lines had been completed: From Hilger to Roy, 26.3 miles; from the junction with the Lewistown-Hilger line to Great Falls, 136 miles; from Great Falls to Agawam, 66 miles; from the junction with the Hilger-Roy line to Winnefred, 23 miles, and from the junction with the Harlowton-Lewistown line to Grass Range, 36 miles. Making a total of 286.3 miles of branch line built between 1912 and 1914.

State Regulation of Railroads

The first law relating to the creation of railroad corporations and their control by public authority was passed in the Territorial Legislature over the veto of the governor on 7 May, 1873.

It was not until the legislative session of 1907, however, that a Board of Railroad Commissioners was created. The act creating it was passed without the sanction of the governor. This act provided for three commissioners elective for a term of six years with a salary of four thousand dollars a year. The high salary indicates the importance in which the duties were held, for each railroad commissioner received one thousand dollars more annually than any constitutional executive officer except the governor; and a salary equal to that received by Supreme Court justices.

This board was given power to compel the attendance of witnesses and the production of necessary documents. It was authorized to adopt "all necessary rates, charges, and regulations to govern and regulate freight and passenger tariff, to correct abuses and prevent unjust discrimination and extortion in the rates of freight and passenger tariffs."

An annual report was required from every railroad doing business in the state to this board. The expense to the state of this railroad supervision amounted in 1927 to thirty thousand dollars annually.

The Northern Securities Company

The Northern Securities Company was organized as a labor saving device. It had no power under its charter to operate a railroad but was established to allow the large stock holders in both the Great Northern and the Northern Pacific companies to put their stock into a common company where it would be secure against change. The purchasing of the Burlington property by the Great Northern and the Northern Pacific jointly, was the initial step in the formation of the Northern Securities Company. The company was organized to promote harmony between the two factions in control of the Burlington, and the capital of the corporation amounted to four hundred million dollars.

The Government asserted that the Northern Securities Company had the power to restrict trade and for this reason the company was dissolved under the Sherman Anti-Trust Law. J. J. Hill wrote in his *Highways of Progress:*

"So the Northern Securities Company went out of business. What has been the result? What is the difference? To the owners of the properties, merely the inconvenience of holding two certificates of stock of different colors instead of one, and of keeping track of two different sets of securities. To the public, no difference at all except that it has missed the advantages which the simpler and more businesslike plan would have secured."

The State Highway Commission

The highways of the state form the primary unit in its transportation system but this unit was the last to receive the attention of the public. The care of public roads was left to the county commissioners who built roads where they pleased, as far as the limited funds for such purposes allowed.

GOVERNMENT ROAD THROUGH JEFFERSON NATIONAL FOREST

The invention and use of the automobile aroused an increased interest in hard-surfaced and smooth roads. The first legislative recognition of the automobile was in 1905 when the Legislature provided that its speed should not exceed eight miles an hour within city limits, nor more than twenty miles in the country.

The use of this new vehicle awakened the Legislature of 1913 to the need of highway legislation. It provided that automobiles should be registered with the secretary of state, for which registry a fee of two dollars was charged; each dealer was charged ten dollars; and each chauffeur was charged two dollars. And all these fees, together with the fines accruing from the violation of the law concerning the registration and operation of motor vehicles was to go into the state highway fund.

In addition to the registration fee, the Legislature sought to impose a license tax to be collected by the county treasurers of five dollars for each motor-driven vehicle of less than four wheels; of ten dollars on automobiles of less than twenty horsepower; of fifteen dollars on those of less than thirty-one horsepower; and of twenty dollars per annum on larger ones. One-half the money accruing from these licenses was to go to the county road funds, and the other half to the state highway fund. Unfortunately, this revenue bill originated in the Senate and was therefore unconstitutional. This oversight was corrected by the Legislature of 1917, which also readjusted the license fees.

A State Highway Commission was created in 1913. The members were three in number, *viz.,* the professor of civil engineering at the State College, the state engineer, and a civil engineer appointed by the governor to be secretary of the commission and to receive $3,500 annually for his services.

This commission was authorized "to give such advice, assistance, and supervision with regard to road construction, improvement, and maintenance throughout the state as time and conditions will permit." The commission was also authorized to apportion among the counties the proceeds of the highway fund, provided that this money be matched by the counties.

In 1916 the Federal Congress passed its highway building appropriation of which a portion might be secured if the state would match the Federal aid. The income from half the automobile licenses was too small to match the sum offered to Montana, but the State Legislature did not feel equal to raising an amount of money sufficient to meet the challenge.

In the meantime the State Highway Commission was reorganized. Instead of a small professional body it was hereafter to be a political body authorized to employ professional services. The state was divided into twelve highway districts and one commissioner was to be appointed by the governor from each of these divisions. Twenty-five per cent of the automobile fees were sent back to the counties in which the tax was paid. Seventy-five per cent went into the state highway fund, and two-thirds of this went into state highways matching the Federal fund, while the remaining third went back to the county road funds being spread among the counties as the commission saw fit.

The Gasoline Tax

In 1921 a tax of two cents a gallon was imposed on the consumption of gasoline for vehicular locomotion. Two-thirds of the proceeds of this fund went into the general fund of the state, and one-third went back into the county school systems to be spread as follows: sixty per cent on the basis of the number of teaching positions; thirty-five per cent on the basis of attendance; and five per cent to the high schools.

Two years later this gasoline tax was distributed more nearly in accord with justice to the automobile operators who paid the tax. Under the act approved 9 March, 1923, twenty per cent went into the highways fund, forty per cent went back to the county roads, and forty per cent to the state's general fund. The highway fund also received fifty per cent of the oil royalties received by the state through the Federal secretary of the treasury from those producers whose wells were on Federal lands. But the automobile license fees, under an act approved two days earlier, went back to the road fund of the county in which the license was paid.

The Second Gasoline Tax

On New Year's Day, 1927, a new gasoline tax became effective. The Montana Automobile Association had promoted during the campaign of 1926 an initiative measure, Number 31, which provided for a tax of three cents, instead of two, on each gallon of gasoline consumed by automobiles. And, instead of dividing with the general fund, and the school funds, all of the income from this tax was put into the highway fund. Since the Federal Government offered a road subsidy, every dollar additional tax raised in the state, which was used for new construction, put two dollars on the roads. (See 39 U. S. Statutes, 355.)

Prior to this, the State Highway Commission had again been revamped. On 1 April, 1921, a law became effective reducing the personnel to three persons, appointed by the governor, without legal restriction as to political affiliation or residence. The commissioner received six thousand dollars annually and his two assistants received ten dollars a day, plus traveling expenses while actually engaged in the duties of office, as well as traveling expenses between their homes and place of employment. On 31 March, 1925, another change reduced the commissioner to the same salary arrangement as that of his assistants. And by the measure effective 1 January, 1927, the total overhead of both administration and engineering had to be kept within eight per cent of the total cost of highway building. However, the following clause which was a part of the law of 1917 was repealed by the law of 1921: "No member of the State Highway Commission nor any person in the employ of the Commission or the Executive Committee shall be interested directly or indirectly in any contract for constructing, improving or maintaining any road under this act." (1917 Montana, chapter 170, section 7b.)

The huge size of Montana, one hundred and seventy acres to each inhabitant in 1920, made road-building a serious problem for financing. In 1928 there were only eight persons for each mile of road, and at that time the expenditure for highways annually amounted almost to one hundred dollars per family. There was at that time more than 67,000 miles to keep up.

The first report of the new Highway Commission was made public in August, 1928, covering the period from March 1, 1927, when the first of the new money came in to the treasury, to June 30, 1928. During those sixteen months they had received from the Federal Government, the state taxes, and other sources, funds as follows:

From Federal treasury	$1,848,761.15
From counties on Federal aid projects	351,866.00
From gasoline tax	2,166,068.99
From registered warrants and interest	7,463.28
From equipment sales	2,904.33
From U. S. oil royalties	35,408.88
Total receipts	$4,412,472.63

And they had expended for administration and other overhead costs 6.77 per cent of their funds, or $295,000. To new construction had gone $3,300,000; to maintenance of previous Federal aid roads $480,000; and to purchase of machinery and other capital outlays $257,000.

The maintenance as of January, 1928, covered 1,719 miles of road and it was anticipated that three hundred additional miles would be built during that year by the State Highway Commission. With the income of the three-cent gasoline tax it was hoped that the building of the mileage in which the Federal Government would participate would be completed by 1940. The Federal subsidy amounted to $1,551,660 available in 1929; $1,551,499 additional available for use at any time it could be matched by the state prior to July, 1930; and $1,552,576 additional to the three million if it could be matched by July, 1931. But the state funds could only match one of these subsidies for the income from the gasoline tax; the principal source of the state funds was a little less than a million and a half annually.

As building increased, the maintenance charges would increase, and there was in 1928 no reason to assume that the increase in gasoline consumption would be sufficient to cover the increased cost of maintenance. The type of road being built was a gravel-surfaced highway. Even with an oil dressing, this type of road required a constant working and filling to maintain. The number of automobiles and trucks licensed from 1920 to 1927 inclusive furnished a means of prognosticating the possible increase in gasoline usage. Of course the increased mileage of graveled roads would tend to stimulate an increased consumption of gasoline somewhat but probably not sufficiently more to pay maintenance charges. For sixteen months of maintenance in 1927-28, when the roads were comparatively new, the average cost per mile was $280.

Montana registrations from 1920 to 1928, as reported by Austin B. Middleton, registrar, were:

	Passenger Cars	Trucks
1920	60,600	
1921	58,785	
1922	62,665	
1923	65,449	8,379
1924	69,824	9,871
1925	82,121	12,516
1926	88,789	15,110
1927	94,731	18,004
1928	100,092	20,519

(1928 registrations are listed to September 14th, both trucks and passengers. Records from secretary of state's office at Helena do not show any trucks in 1920, 1921 and 1922.)

CHAPTER XIV

THE ORGANIZATION OF STATE GOVERNMENT

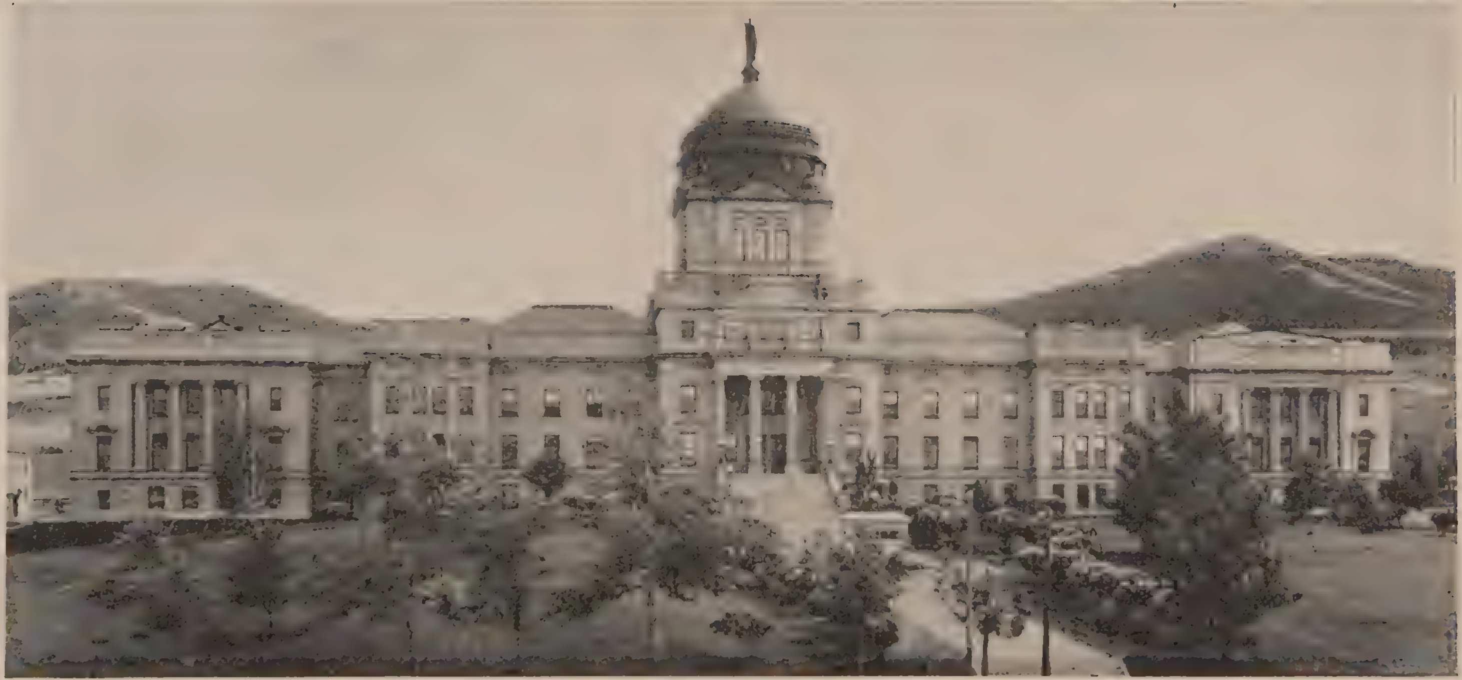
The first effort in Montana to organize a state government was made when acting Governor Meagher called a convention for that purpose, to meet at Helena April 9, 1866. This convention lacked the authority of law either territorial or federal and even encountered the hostility of the people of Montana generally. Although this convention adopted a constitution there is no record of its proceedings. The original journal was taken to Saint Louis, Missouri, for publication by Thomas E. Tutt, one of the members, and no further trace of it has been found.

The second attempt had a lawful basis in the joint resolution of the Thirteenth Legislative Assembly, approved March 7, 1883. A convention met at Helena in the following January consisting of forty-five members, who had been elected at the special election held the preceding November. The chairman of this second convention was William A. Clark. The constitution adopted by the convention of 1884, was presented to Congress by the delegate, Joseph K. Toole, who kept the matter of statehood for Montana constantly before the House of Representatives and, although the admission of Montana was never secured under the constitution of 1884, Mr. Toole had the pleasure of seeing his efforts rewarded during the closing days of his term, by the passage of the Enabling Act of February 22, 1889.

The Enabling Act of 1889

The Congressional Act, above referred to, provided for the division of the Dakota Territory into two states and granted authority to the people of Dakota, Washington and Montana to form their constitutions and state governments. Four fundamental provisions of this Enabling Act should be here noted. The first of these provisions set forth that perfect toleration of religious sentiments should be secured to the inhabitants. The second was that the people of Montana must disclaim all rights and titles to the unappropriated public lands and to all Indian lands within the boundaries of the state; further, that the lands belonging to citizens of the United States residing without Montana should never be taxed at a higher rate than the lands belonging to Montanans; and further, that no taxes should be imposed by Montana on Federal lands or property. The third provision was the usual one that the debts and liabilities of the Territory of Montana should be assumed and paid by the state government. The fourth provision demanded the establishment and maintenance of a system of public schools free from sectarian control.

The Enabling Act donated to the State of Montana one-eighteenth of all the land to be used as an endowment for education. The land might be leased for a period of not more than five years



STATE CAPITOL OF MONTANA
Main building erected in 1899 and two wings added in 1910.

and might be sold for a price not less than ten dollars per acre. The proceeds of both sales and leases were to constitute a permanent school fund, only the interest of which should be expended. In addition to the grant for the support of common schools, seventy-two sections or 46,080 acres were granted for the permanent support of a university. In addition to these land grants there was a provision that five per centum of the proceeds from the sales of public lands in Montana sold by the Federal Government after the admission of the state, less the expense incident to the sales, was to be paid to the State of Montana to be added to the permanent fund for the support of common schools.

In order to provide public buildings for the state, fifty sections of land were granted. The penitentiary at Deer Lodge and all lands connected therewith were granted to the state for establishing and maintaining a school of mines; 100,000 acres was granted for a state normal school; another 100,000 acres for an agricultural college. In addition to the early grant made under the Morrill Act, 50,000 acres for establishment of State Reform School, the same for deaf and dumb aslyum, and 182,000 acres for public buildings at the capital of the state.

The Constitutional Convention, 1889

The people of Montana lost no time in taking advantage of the permission given them in the Enabling Act. The Third Constitutional Convention met July 4, 1889, at Helena under the presidency of William Andrew Clark. It was composed of seventy-five members elected from the twenty-five districts into which the sixteen counties of the territory were then divided. After sitting for forty-five days the convention produced the present and only ratified constitution of the State of Montana.

This document followed the usual lines of American state constitutions. This constitution contained a declaration of the rights commonly thought to inhere in American citizens. The Legislature was ordained to consist of a Senate of sixteen members and a House of Representatives of fifty-five members. It was within the province of Legislative Assemblies to provide for increases or decreases in their own numbers, but they were not permitted to fix their own compensation. No session of the Legislative Assembly might exceed sixty days.

The executive department was made to consist of a governor, lieutenant governor, secretary of state, attorney general, state treasurer, state auditor, and superintendent of public instruction. These officials have always been elected at the same time as the presidential elections. The constitution of Montana provided that these executive officials should take their office on the first Monday of January succeeding their election. The lieutenant governor was to receive a salary only as speaker of the Legislative Assembly. The governor was to have $5,000 a year, the superintendent of public instruction half that amount; and the other executive officials three thousand dollars a year.

One of the interesting features of the constitution was its provision in Article XII, section three, concerning the taxation of mines. Only the surface property, the machinery, and the annual net proceeds were taxable. The value—as determined by previous sale, or by appraisal, or any other method, of the metals and ores underground; or of the ores brought to the surface and there stored—was not taxable. The theory supporting such exemption of property from taxation was that each year's operations depreciated the value of the property and thus the net proceeds was the only fair measure of the property value. Even this net proceeds furnished thousands of dollars of revenue annually to the state. To this, in 1921, was added a "license" tax of one dollar plus one and one-half per cent of the net proceeds.

The constitution might be amended by the Legislative Assembly under two-thirds vote of its entire membership, voting to submit to the electors of the state the question of revising, altering or amending by means of a convention. If the majority of electors should decide in favor of such action it would then become the duty of the next Legislative Assembly to provide for such a convention. The amendments or revisions thus effected were to be submitted to the electorates and required only a majority vote for ratification.

Another method provided for amending the constitution of Montana was as follows: Either House of the Legislative Assembly might propose an amendment. If this proposal should receive a two-thirds vote of the members elected to each House, it must then be entered in full on the journals of both Houses; the secretary of state must publish the proposal in full in at least one newspaper in each county for three months prior to the general election. The approval of a majority of those voting was all then that was required. The constitution further provided that not more than three amendments might be submitted at the same election. At one time the Houses failed to enter on their respective journals, in full, a certain proposed amendment and the Supreme Court later held that the amendment was void. A similar voiding of an amendment was caused by the failure of the secretary of state to publish a notice of the proposed amendment for three months prior to the election. The constitution of Montana has had but few amendments and perhaps it is as well that the citizens of Montana have not changed their fundamental law more frequently. There has been some effort to call a constitutional convention for the revision of this document but such a convention has not been authorized. The constitution was ratified by the Legislature on October 1, 1889, and the state was duly admitted on the 8th of the following month.

In the election which ratified the constitution, Joseph Kemp Toole, who had been the congressional delegate of the territory, was elected governor. He served from November 8, 1889, to January 2, 1893. He was again elected to this office in 1900 and held this office until his resignation April 1, 1908.

Montana in 1889

Before going further into the story of Montana's statehood, it will be well to get some idea of the structure of the population. In the eastern portion of the United States, it is a popular misconception that Montana contains a vastly larger proportion of males than females. While this was true in the earliest times, this difference in proportion had almost disappeared by 1920. In 1890, there were 87,882 males to 44,277 females. The proportion of single men to single women was three to one.

Montana showed itself still to be in the pioneering stage in the relative absence of children. For the whole United States the children, under twenty years, were forty-six per cent of the whole population, whereas in Montana they were but thirty-six per cent.

Nearly four thousand residents of Montana could not speak English out of the total foreign born population of 43,096. Of these foreign born the majority had come from English-speaking countries (9,040 from Canada, 8,787 from Great Britain, 6,648 from Ireland), but many other countries were represented. Of the non-English speaking foreigners, that of those whose *muttersprache* was not English, the Scandinavians predominated (6,411); next in order came 5,609 Germans and 2,564 Chinese. Austrians, Italians, Russians and Frenchmen were found as well as other countrymen. In addition to these 43,000 foreign born persons, there were some 20,000 born in the United States whose parents were born abroad.

As to industries, the Montana population of ten years and over consisted of 107,811 persons. Of these 72,223 were in gainful occupation; probably some 15,000 were housewives who, though hard workers, were not classed as gainfully occupied,—one of the little illogicalities of the census; and the remainder, 20,000, were either too old or too young to work. Agriculture absorbed 9,000; stock raising 4,400; and mining 10,500. Coal mining was beginning to show some importance for in it seven hundred men were employed. It should have been a matter of pride for Montana that no women were employed in the coal mines and only four in the metal mines. In the English coal mines women were harnessed like animals to the coal carts.

The English historian Harriet Martineau wrote of the unfortunate creatures:

"In 1842 Lord Ashley had brought forward a bill on behalf of a set of people who really appeared to have been neglected by all mankind, and whose case, when exposed by Lord Ashley, startled Parliament and the country. People who moved about aboveground, in the face of day, may exhibit their own case, and hope to have it considered by those who look on; but it now appeared that there was a class moving about underground, in the mines and coal-pits of England and Scotland, whose condition of suffering and brutalization exceeded all that had ever been known, or would be believed. A commission of inquiry, obtained by Lord Ashley, laid open a scene which shocked the whole country. Women were employed as beasts of burden; children were stunted and diseased, beaten, overworked, oppressed in every way; both women and children made to crawl on all-fours in the passages of the pits, dragging carts by a chain passing from the waist between the legs; and all lived in an atmosphere of filth and profligacy which could hardly leave a thought or feeling untainted by vice * * * the bill passed. * * * By this bill women were excluded from mining and colliery labor altogether. Boys were not to be employed under the age of ten years; and the apprenticeship was limited. The secretary of state was empowered to appoint inspectors of mines and collieries to see that the provisions of the bill were carried out."

Of the men in professional service Montana had 2,294, lawyers predominating over other professions with fifteen per cent of all professional men. Only 170 were teachers. In fact, at this time, the total number engaged in the teaching profession were only 690. Engineers followed the lawyers, and governmental officials ranked third.

Included in the "domestic and personal service" were 10,435 exclusive of 9,900 unclassified laborers. In the trade and transportation, those who gave value to commodities by making them available in the places where they were needed, were 11,443. And of manufacturers and mechanics, those who gave value by changing the form of commodities, there were 11,764. Of this last division the carpenters were the most numerous. It is somewhat surprising to note that Montana did not mill her own wheat (only 55 millers); nor tan her own leather (only 13 tanners). There were only seven butter and cheese makers, outside of those who were listed as dairymen. But there were a hundred brewers and distillers. And there was not one meat or fruit packer listed.

The women of Montana who made their own living were not engaged as now in stores, offices and school teaching. As we have indicated above, there were probably 15,000 married housewives. In addition to these, 4,636 of their sisters earned their own living, as follows: 2,008 were servants; 867 made clothing; 230 kept hotels and boarding houses; 419 were teachers; 153 were laundresses; 175 worked in stores and offices; 89 were nurses; 146 were engaged in agriculture and stockgrowing; the five hundred remaining were scattered through other occupations even less important numerically.

The Election of Governor Toole

Joseph Kemp Toole was recognized as a great man by both parties on account of the energy and ability which he showed as congressional delegate. He came to Helena in 1869 and practiced law with his brother. In 1872, he was elected district attorney for the Third Judicial District and was reelected to this position in 1874. He was called upon to serve Montana in several offices; he was president of the Territorial Council; member of the 1883 Constitutional Convention; congressional delegate from 1885 until his election as first governor of the state, and in this office had the opportunity of promoting the passage of the bill granting statehood. In 1889 he was a member of the Constitutional Convention which drew up the present constitution, and he became the state's first governor. Joseph Kemp Toole never lost any opportunity to promote the affairs of Montana, nor were any lost through his negligence or lack of competency.[1] The other executive officers which were elected to serve with Toole were: John E. Rickards, lieutenant governor; Louis Rotwitt, secretary of state; E. A. Kenny, auditor; R. E. Hickman, treasurer, John Gannon, superintendent of public instruction; Henry J. Haskell, attorney general.

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[1] Mr. Toole was forced by ill health to leave the high altitude of Helena for California during his fourth term. He presented his resignation February 1, 1908, to take effect April 1, and left Helena for California February 11.

The Congressional election of 1889 resulted in the choice of Thomas H. Carter, Republican, over Martin Maginnis, Democrat. In this canvass, however, a more important issue was the selection of the United States senators who would under the law at that time be selected by the two Legislatures. Unfortunately there arose a dispute which resulted in the formation of two Legislative Assemblies both claiming to be the legal representatives of Montana. This dispute eventually threw the choice of the Federal senators into the Congress of the United States.

When the State Board of Canvassers met on October 31, 1889, to examine the returns from the counties it was discovered that there were none from Silver Bow County. Upon inquiry the county clerk informed the board that the County Canvassing Board had rejected the vote of Precinct 34, a strong Democratic precinct, as fraudulent. When the case went to the state Supreme Court that body confirmed the rejection of the vote of Precinct 34 for nineteen specific reasons, including various irregularities of judges and clerks of election and the voters themselves. The rejection of this precinct gave the entire Republican Legislative ticket of Silver Bow County a majority, whereas the inclusion of these returns would have given five members to the Democrats, in addition to the five Democratic candidates whose election was not disputed. If the Democratic members thus returned by the vote of Precinct 34 had been declared elected, the Democratic party would have had control of the Legislative Assembly and thus would have had the ability to name the state's senators.

The Legislative Deadlock

On November 22, Governor Toole, Democrat, issued a proclamation opening the Legislative Assembly. The Senate met at the place designated by the Governor and there being no contested seats in that body the members of both parties, equally divided, came together under the presidency of Lieutenant Governor John E. Rickards, a Republican. After twenty-seven days of argument an organization was finally effected. The Democratic senators, however, refused to vote on account of the policy which was being followed with regard to the organization of the House. The Republicans elected to the lower body had refused to meet in the place proclaimed by the governor and had assembled under the leadership of the state auditor, E. A. Kenny, at Iron Hall, in Helena, and effected a temporary organization. In the meantime the Democrats who admitted to their seats the five Democratic claimants from Silver Bow County, proceeded to organize another Lower House, which, they claimed, was the legal body.

On December 31, the thirty-ninth day of the session, the Senate and the Republican House proceeded to elect Wilbur Fisk Sanders, and, on the following legislative day, Thomas C. Power, the late Republican candidate for governor, to represent Montana in the

Federal Senate. On February 6, 1890, the Democratic senators absented themselves from the session. A resolution was thereupon adopted by the Republicans fining the absentees as follows: For the first day of absence after the day specified, $50; second day $100; for the third day $200; for the fourth day $400; for the fifth day $800; sixth day $1,000. Supplementary resolutions ordered the arrest of the absentees who escaped to Spokane, Saint Paul and Canada. One only, Senator Becker, fell a victim to this high-handed procedure and he, by the aid of his friends, was able to escape to Idaho.

While the Montana Republicans were electing Sanders and Power, the Democratic Legislature selected W. A. Clark, of Butte, and Martin Maginnis, of Helena, and reported their election to the United States Senate. The Senate now had two sets of senators announced from Montana. Its committe on privileges and elections, having a Republican majority, found no difficulty in deciding that Sanders and Power should be admitted to seats in the United States Senate. According to lot, Senator Power was given the long term, expiring March 4, 1895, and Senator Sanders the short term, which expired two years earlier.

An intense partisanship showed itself throughout the First Legislature. A sample of this may be seen in the Helena *Independent's* story of a session:

"Rickards showed his teeth again Tuesday. For a time he was the most rattled man on the western continent. When his fist finally came down in the desk for adjournment a glad smile of relief spread over his countenance. It was answered by a look of sympathetic rapture from his Republican colleagues. Rickards has shown his willingness to make any ruling that will help his party, regardless of all forms, parliamentary or otherwise. But his inexperience in legislative affairs, his ignorance of law, and a lack of nerve at critical times in the procedings make him appear almost ridiculous in the high office which he holds."

At the expiration of the ninety days authorized for the first legislative sitting the deadlock between the two parties continued. Effective legislation was impossible. No journal, either of House or Senate, was published for there had been, as all knew, no legal action.

The Supreme Court decided that the Republican House was the legal one but the governor recognized the other. For, as the *Daily Independent* said, after referring to the court decision:

"There has been no such determination and there can be none. The courts have nothing to do with the membership of either branch of the Legislature. Each House is the absolute judge as to the rights of members to their seats. It can unseat a member, expel him, fine him, or do anything it pleases with him, and a million court decisions won't save him. The five Republican frauds from Silver Bow can be deprived of their seats at any time by a majority vote of the House. The courts are not the masters of the Legislature." (January 3, 1891.)

The second legislative session met 5 January, 1891. In the meantime, a Democratic Senate had been elected leaving no question about that body but there were still two bodies each claiming to be the only legal House. The hall selected for the use of the House was on the top floor of the Electric Block at the corner of Park and Sixth; the Senate chamber was two floors below. "It is situated," said the *Independent*, "just above the ponderous machinery of the electric light plant in the basement of the building which begins to rumble and fill the room with a whirring, humming noise in the afternoon." The first session had been held in the county courthouse.

One of the considerations which brought about a compromise was the necessity of legislation concerning the general election of 1892. Without such legislation, Montana would be deprived of any vote for President. Another difficulty loomed when the State Treasurer refused to pay claims for mileage handed in by the legislators, for the first Legislature had made no arrangement therefor.

On January 28th at 10:30 P. M. members of both houses signed an agreement whereby the House should "consist of twenty-five members of each party about whose election there is no dispute, together with three of the five Republican contestants, to be chosen by ballot by the twenty-five undisputed Republican members; and two of the five Democratic contestants" to be similarly chosen by their party. "At noon of January 29th Charles P. Blakely, the oldest member, should call the members to order. The House was then to select temporary officers from among the Democrats, and to elect certain named Democrats to the various offices. It was further agreed that those whose membership was in dispute as well as those who were undisputed should be paid salary and mileage for both that and the previous sessions. And thus the second session, really the first working assembly, was inaugurated."

The Second Legislative Session

Since the First Legislature had adjourned February 20, 1890, without passing an appropriation bill, the second assembly, convening January 5, and adjourning March 5, 1891, found the government seriously embarrassed. The constitution had stipulated that the territorial laws should remain in force until superseded by state legislation, so that the state was not wholly without funds. The first important matters before the second assembly, then, were tax and appropriation bills. The tax for the support of general state government was fixed at 2½ mills on taxable property. The appropriation of nearly $825,000 was duly made.

The next important matter for this Legislature was the controversy over the ownership of mineral lands by the Northern Pacific Railway. In order to assist the railway in its expensive development of the new country, the Federal Government had granted the company the odd-numbered sections of land on each side of the track with certain exceptions. Mineral lands, and lands occupied by settlers, were not to be taken, but in lieu of these, the company to be given other sections.[2] The total land grants paralleled an eight hundred mile right-of-way and covered nearly 28,000 square miles. In order to aid the miners who had begun to work claims along the railroad property, and who were threatened with ejection, the Montana Legislature of 1891 provided for the appointment of a land commissioner. The mineral lands could not belong to the railroad company; yet the miners claimed as mineral lands certain properties which the railroad claimed as non-mineral lands.

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[2] The Company had not, up to 1924, received all of its land owing to the

Martin Maginnis, having been appointed land commissioner, went to Washington and was able after much effort to get Congress to provide Federal commissioners to pass upon the character of lands along the railroad property which were in controversy. The classification resulted in a great benefit to both parties. The citizens of Montana were permitted to prospect and work the mineral lands; the railroad in many instances was able to exchange poor lands for excellent agricultural and timber lands. It was impossible for the Federal commissioners to take the time to determine the approximate mineral values in lands forbidden to the company and thus bad land could be exchanged for good. In studying this controversy it should be remembered that the existence of a railroad gave value to lands which would have otherwise been useless. All in all, the Government did very wisely in making the grant of the company, for the coming of the Northern Pacific was one of the greatest boons received by Montana.

Founding the State Institutions

The only institution inherited by the state from the territorial government was the prison at Deer Lodge. The Legislature of 1893 located a deaf and dumb school at Boulder; a reform school at Miles City; and an orphans' home at Twin Bridges. In order to satisfy the towns which were clamoring for the state capital, the state university was divided among four towns, each of which were to have a unit as follows: Bozeman, the agricultural and engineering colleges; Butte, the school of mines; Dillon, the normal school; and all other teaching divisions at Missoula.

The Election of 1892

Montana's first general election was hard fought. In Federal affairs Benjamin Harrison was the Republican candidate to succeed himself, against Grover Cleveland, Democrat, who had been President immediately preceding Harrison. Thus both candidates had definite records of behavior in the presidency on which the people might judge their desirability for another term. The Harrison administration had been very extravagant and the impression was widespread that the two Congresses which sat under Harrison's administration had been narrowly partisan, careless of the people's money, and unwarrantably subject to the influence of the large manufacturing interests. The silver issue had to be kept out of the campaign because there were many silver men in

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Government's delay in surveying lands adjacent to the right-of-way. Settlers coming in had taken up lands which would have been patented to the Railroad company, if, and when, surveyed.

the Republican camp. But the high tariff legislation under Harrison gave the Democrats a point of attack, and when the polling was over, Cleveland had received 277 electoral votes, Harrison 145 and Weaver, the Populist candidate, 22.

An important part in this campaign was taken by a notable group of independent voters of whom, perhaps, the most prominent was the president of Harvard University, Charles W. Eliot. Thousands of college professors, clergymen and others not affiliated with any party joined to elect Cleveland, the sturdy champion of reform, who as mayor of Buffalo and governor of New York State, had made a strong record as a reformer.

Perhaps the fact that the Democrats failed to take a clean-cut stand in behalf of free silver was the potent consideration in turning Montana Republican at this election. Perhaps it was the entry of the People's party, for if Cleveland could have had Weaver's vote added to his own he would have carried Montana. As it was Harrison's popular vote only exceeded Cleveland's by about 1,400. The Prohibitionists, with Bidwell as candidate, cast 507 votes at this election. The total vote in Montana for presidential candidates in the election of 8 November, 1892, ran as follows:

For Harrison, Republican	18,751
For Cleveland, Democrat	17,352
For Weaver, Populist	7,146
For Bidwell, Prohibition	507
Total	43,756

The vote for representative in Congress was likewise very close, the Republican, C. S. Hartman, winning over his Democratic opponent, W. W. Dixon, by a margin of 172 votes. With the exception of the chief justiceship, the Republican ticket made a clean sweep in the state offices. John E. Rickards, who had been lieutenant governor under the previous administration, won over his Democratic opponent, Timothy E. Collins, of Great Falls, by 537 votes. It will be observed that Mr. Toole was not a candidate to succeed himself. Lewis Rotwitt was elected secretary of state; Alexander C. Botkin, lieutenant governor; A. B. Cook, state auditor; F. W. Wright, state treasurer; Henry J. Haskell succeeded himself as attorney general, the only man in the entire ticket to succeed himself; and Eugene S. Steere, superintendent of public instruction.

For the office of chief justice of the Supreme Court William Young Pemberton defeated the incumbent, Henry M. Blake, through a combination of Democratic and Populist votes in his behalf. Thus Pemberton was the only man on his ticket to be elected at this time.

Judge Pemberton was born at Nashville, Tennessee, on 1 June, 1843. He was educated at Masonic College, Lexington, Missouri, and Cumberland Law School, Lebanon, Tennessee, being graduated with the class of 1861. In 1863, he located at Virginia City and two years later removed to Helena where he practiced law with E. Warren Toole. From 1868 to 1880 he was out of Montana; returning, he located in Butte. He was elected district attorney for Western Montana in 1882 and was appointed to the district bench in 1891, serving this office until he took the chief justiceship.[3] This office he honored. "His rulings on the Supreme bench were signally able, fair and impartial, showing a keen discrimination in detecting the true points at issue and eliminating all that was irrelevant, while his opinions were concise and clearly defined, couched in exact and effective language."

Further Senatorial Controversy

Senator Sanders' term in the United State Senate ended March 4, 1893. According to the law in those days, before the Federal amendment providing for the direct election of senators by the people had been made, it became the duty of the Montana Legislature which met in January, 1893, to elect his successor. The Democratic party, with the aid of the Populists, might have easily elected William A. Clark, had not his opponent, Marcus Daly, interfered to support the candidacy of William W. Dixon. The Republicans were not strong enough to reelect Sanders, and, after their failure, tried to elect Lee Mantle, an Englishman, who had a strong Republican following in Butte. The Legislature adjourned without electing a senator. Then Governor Rickards, himself a Republican, appointed Mr. Mantle to fill the vacancy. But the Constitution of the United States then provided that senators should be chosen by the state Legislatures, and only authorized gubernatorial appointments "if vacancies happen by resignation, or otherwise, during the recess of the Legislature of any state." Mr. Mantle was refused a seat and Montana had but one United States senator from March, 1893, to March, 1895. Then, the overwhelmingly Republican Legislature easily elected Lee Mantle, who filled the seat with honor to himself and to the state, to the end of his term in 1899.

The Permanent Location of the Capital

The Territory of Montana held its first Legislative Assembly at Bannack, the first settlement of any size. The second assembly, one illegally called by Acting Governor Meagher, met at Virginia City. For ten years, Virginia City continued to be the capital, although Helena was by far the most important town in the territory. On January 3, 1876, the Ninth Legislature met at Helena, in accordance with the popular vote removing the capital thither. Opposition to the permanent location of the seat of government at Helena was so strong in the Constitutional Convention of 1889 that the constitution was drafted to provide for a referendum on the question. Butte, Missoula, Great Falls, Bozeman, and Livingston, as well as Helena and Anaconda contested for the honor. The State Legislative Assembly of 1892 provided that a ballot be taken at the general election of 1894. Anaconda and Helena were the principal contestants; Marcus Daly supporting the Anaconda claim,[4] and his political enemy, William A. Clark, the Helena claim. For many days after the election the counting of the votes ran so close that the issue was in doubt; finally Helena won by 27,024 against Anaconda's 25,118.

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[3] After his term expired in 1889, he resumed legal practices in Butte. In June 1909 he became Librarian of the State Historical Library, a duty which he filled until ill health forced his retirement in 1920. He died 26 August 1922 at the home of his daughter, Mrs. H. A. Rheem, at Excelsior Springs, Missouri. He was prominent among the Freemasons, and a president of the Society of Montana Pioneers.

World's Columbian Exposition

When the Congress of the United States decided to celebrate the 400th anniversary of the discovery of America by holding an international exposition of arts, industries, manufactures, and the product of the soil, mine and sea, each state and territory was invited to prepare an exhibit. This gave Montana an excellent opportunity to advertise her wares and her future prospects to the people of the Union, but it was an expensive privilege.

On 9 March, 1891, Governor Toole approved an act creating a commission of sixteen male residents to be designated as the Board of World's Fair Managers of the State of Montana. The members of the board were appointed by the governor, one from each county. They were authorized to select their own officers, including an executive commissioner, as well as to fix the salaries of all their officers. In order to meet the expenses of this board the sum of $50,000 was appropriated with the provision that they might spend $15,000 in the current year and $35,000 in 1892.

Their president, Stephen DeWolfe, of Silver Bow County, received a salary of $1,000 a year. The secretary, James E. Ramsay, of Dawson County, received $2,000. The treasurer, David G. Browne, of Chouteau County, was to have $600. The executive commissioner, Walter M. Bickford, of Missoula, was allowed a salary of $3,000 a year plus $1,200 traveling expenses.

The board divided its work among nine committees as follows: Mines and mining, agriculture, livestock, building and building material (including forestry), auditing, ladies' department, rules and by-laws, statistics and education.

In the message of the governor to the Legislature of 1893 the Honorable Mr. Rickards said: "The exhibits are now mostly in the hands of this board, and they will with mute eloquence proclaim the unlimited wealth of our mines and the fertility of our soil. The minerals collected * * * embrace nearly all known varieties. They will call the attention of the world to the vast deposits of our minerals. The agricultural, horticultural, and botanical exhibits will enlighten observers as to the productiveness of our soil and will undoubtedly result in a large immigration to our state." Since the first $50,000 had been exhausted, the governor requested that the Legislature make an additional appropriation for this object.

In response to this request an act approved 23 February, 1893, was passed allotting another $50,000 but with a very careful stipulation as to how it was to be spent, giving the executive commissioner, however, discretion to transfer from fund to fund.

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[4] Daly favored Anaconda, for it was there, in 1883, when there were only a few shacks to mark the site, that he established his smelters.

The exhibits were five in number, namely, agriculture, minerals, livestock, education, and horticulture.

Out of the funds allotted a balance of about $2,000 was returned to the state treasury and a large amount of furniture which had been purchased for the exposition was brought to Montana and used in the state offices. Montana took sixteen awards in the agricultural department; three in the horticultural; forty-four in the mineral; four in the manufactures; one in the transportation; and five in the liberal arts. The success of the exhibits was due, in large part, to the efficient work of the executive, Mr. Bickford.

The Building of the Capitol

Having decided in what city to locate the capitol the next questions were how to finance it and what kind of a building to erect. In January, 1895, Governor Rickards remarked to the Legislature that he did not favor immediate action in the matter, saying, "At the last general election the seat of government was permanently located in the City of Helena. Inasmuch as comfortable quarters for the use of the state can be rented, and the safety of the archives assured, I do not deem it advisable at this time to incur expense in the matter of erecting buildings. I recommend, however, that provision be made for the appointment of a commission, non-partisan in character, whose duty it shall be to procure a site for a capitol building, while suitable grounds can be procured at a minimum of expense to the state."

Contrary to this recommendation, the Legislature named a State Capitol Commission, consisting of five members, the governor and four other electors "only one of whom shall be a citizen of the City of Helena, and no two of whom shall be from the same county." This board was authorized to proceed with the erection of a capitol building on a site within Helena to be chosen by another commission.

The location of the capitol within the City of Helena was to be determined by five men appointed by the governor. To this duty Governor Rickards named A. J. Davidson, of Helena; E. D. Ellis, of Gallatin County; E. D. Edgerton, of Lewis and Clark County (*Clarke* was still the spelling in those days); and E. H. Talcott, of Park County. Only these four were ratified by the Senate. But Dr. E. D. Leavitt, of Butte, signed his name as a member of the board to the advertisement for a suitable site. These men were authorized to select a site of not less than five, nor more than thirty acres; and they were without limitation as to the price to be paid.

Seven bids were opened on June 4th. The most centrally located tract was situated between Warren and Jackson streets, and Eleventh and Thirteenth avenues, a location much favored by Helena people. Here 6.31 acres were offered at $99,000 and 8.2 acres at $149,000 On the site were a three-story brick office building and a handsome residence both of which might be utilized, the offices until the capitol was completed and the residence permanently as an executive mansion. S. T. Hauser offered five acres on the site where Mount Saint Charles College now stands for

$10,000 with five additional acres to be donated. Twenty-three acres on Hauser Boulevard were offered at $66,000.

On June sixth the *Daily Herald* remarked: "It is not necessary, and perhaps not desirable, that the capitol should be located in the exact business center of the city in which it is situated, but it ought manifestly to be near it so as to be convenient of access. Again, it ought to be erected on an eminence, so as to afford display of the building. These objects seem to be secured by the proposed site near the hospital in a greater degree than by any of the others that are offered."

The board thought the prices too high and readvertised for bids, probably in order to give opportunity to reduce the price on the favored location. On July 8th the new bids were opened but the commissioners could not agree. Two favored Capitol Hill (the Mount Saint Charles site) and two, A. J. Davidson and E. D. Ellis, favored another site on the West Side. But again the board adjourned without a decision to meet the 29th of August.

On Friday, August 30th, after several ballots, A. J. Davidson broke the tie by favoring the Winne tract which was donated with a bonus of $4,000 for beautifying the grounds. And thus the present site was chosen.

The board named as the State Capitol Commissioners were W. M. Bickford, W. K. Flowerree, C. F. Lloyd, and Dr. Charles K. Cole. They organized in April, 1895.

Excavation was started by Gebhardt and Wagner in September, 1896, following general plans drawn by Seymour Davis, a noted Philadelphia architect. Plans of George R. Mann, of Saint Louis, were accepted for the superstructure on 31 December, 1896, and warrants were hastily drawn for $22,500 in payment. By 30 November, 1897, the commission had spent $41,451 and had only a hole in the ground which had been donated.

The election of 1896 brought into power a governor, Robert B. Smith, of the opposite party to that which instituted building operations so that the governor's comments to the Legislature of 1897 while polite, were deprecatory.

"Our last Legislature seemed to be imbued with imaginative minds. The law providing for the erection of the state capitol contemplates a building to cost one million dollars, without having provided any sufficient way to pay for the same. * * * It would indeed be gratifying if we could afford the luxury of such a magnificent state building. * * * I, for one, am not willing to secure money for building our state capitol without good faith repaying every dollar with the interest stipulated, neither am I ready to assist in placing upon the shoulders of our people a tax that will destroy private homes and cottages in order that we may build a state palace. * * * If we have made a mistake in the past, the sooner we correct it the better it will be for all concerned. If some money has been unwisely expended, let us stop before wasting any more.

"I therefore suggest that the Legislature provide for bonding the land grant to the extent of $300,000 at five per cent interest; that you provide for a capitol building to be erected at once costing not to exceed $300,000; that it be so constructed as to present the appearance of a finished and complete building, but so arranged that if required, additional wings can be added without impairing the beauty or symmetry of the structure; that a commission be authorized to carry out the design of the Legislature in such a manner as to you may seem fit and proper."

The land grant to which the governor referred was the 182,000 acres granted by sections 12 and 17 of the Enabling Act "for the purpose of erecting public buildings at the capital for legislative, executive and judicial purposes." This grant was not like the school lands made under the provision of a minimum sales price of ten dollars an acre but these capitol deeds could be sold at any price. When the Fourth Legislature passed the first capitol building law the fund had $3,525.66. By the time the above recommendation was made, there were outstanding about forty thousand dollars in unpaid obligations. There had been some loose talk about floating an issue of state scrip to pay for the building but this was soon abated.

The Fifth Legislature passed an act approved 5 March, 1897, limiting the total cost of the proposed building to $300,000, which necessitated new plans. It allowed the board to modify the old plans or procure new ones. In procuring plans the board might offer second, third and fourth prizes as before for competing plans. The former prizes amounted to three thousand dollars. The board might purchase the most favored plans and employ another supervising architect if they so desired. But it was provided "that all architects, superintendents and contractors shall be citizens of the State of Montana," which effectually discharged Mr. Mann of Saint Louis, whose plans had been adopted. Further, it was specifically stipulated that the finished building including cost of heating apparatus and furnishings should not exceed the above mentioned sum.

The building was to be completed by New Year's Day, 1900. The board, like the former one, was to be named by the governor. But it required no senatorial confirmation and was to consist of five men, including the governor as the first, only one of whom was a citizen of Helena, no two of whom should be from the same county, and "not more than two members of said board shall belong to the same political party." In meeting these requirements the governor named:

Elizur Beach, of Augusta, Lewis and Clark County, a "Silver Republican."[5]

David E. Folsom, Meagher County, a Republican.

Dr. J. M. Fox, Carbon County, a Democrat.

A. D. Peck, Deer Lodge County, a Republican.

In order to finance the project the Legislature voted a bond issue for $350,000. The Capitol Commission and the Land Commissioners were authorized to issue the bonds at not more than six per cent callable in fifteen years, payable in thirty years, and it was provided that no bonds might be sold at less than par. No one cared to buy these bonds, probably because they were not an obligation of the state but were secured by lands which might or might not be worth two dollars an acre on a forced sale. The interest rate was set at six per cent and even this maximum allowed by law was not sufficiently attractive. Secured loans were paying as high as ten per cent. Finally, Mr. Thomas Cruse, a wealthy miner and capitalist of Helena, agreed to take the entire issue, although such a low interest rate meant the loss of money, comparatively speaking, to the purchaser.

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[5] In A. D. Peck's remarks at the dedication of the Capitol, he described Beach (1837-1915) as a Democrat. In his obituary March 1, 1915, The Helena Independent said "In politics, Mr. Beach has always given a staunch and unwavering allegiance to the Democratic party." But in 1896 he was elected a commissioner of Lewis and Clark County on the Silver Republican ticket.

By 1913 the state treasurer had enough money in the sinking fund to redeem $100,000 worth of the securities, the redemption was made, leaving $250,000 of this first issue outstanding, as well as another $500,000 issued May 1, 1909, to pay for the two new wings of the capitol; and a third issue of $150,000 dated October 1, 1911. Both the second and third issues bore only five per cent interest. In 1917, there remained $125,000 outstanding of the first issue which was refunded at four per cent. On July 1, 1926, there still remained outstanding at five per cent $650,000 indebtedness on the capitol.[6]

A short time before Mr. Cruse came forward with his offer to take the bonds, the commission had called for plans by architects. Since the commission had as yet no money to pay for the plans, a committee of Helena business men raised $7,500 with the understanding that they would be reimbursed from the sale of the bonds if and when they were marketed. More than a hundred architects responded with preliminary sketches and estimates. From these plans of Bell & Kent were selected on 19 March, 1898, they were given a contract to draw the specifications and plans for a building not to exceed $275,000.

On 13 September, 1898, the contract for the erection of the building was given to Joseph C. Soss of Butte for $289,891. Mr. Soss immediately transferred the contract to the Montana Building Company, of which H. L. Frank was president, and the work of building was begun.

The laying of the cornerstone at the northwest corner took place Independence Day of the following year. Judge Charles W. Pomeroy, grand master of Masons, a prominent jurist of Kalispell, officiated. Governor Smith, as his position dictated, was the chairman of the exercises and ex-Governor Joseph Kemp Toole was the principal orator of the day. Past Grand Master Wilbur Fisk Sanders concluded the ceremonies with an address to the Masons, pioneers, and citizens present. Within the cornerstone were deposited the following memorials intended to remind a future gen-

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[6] In addition to this sum there was then outstanding the following indebtedness:

Educational bonds at 5%	$2,804,000
Educational bonds at 4¾%	903,000
Educational bonds at 4½%	1,127,000
Educational bonds at 4%	50,000
Treasurer's vault bonds at 5%	23,755
Warrants outstanding	3,519,954

eration of the civilization extant when the great cube was mortared into the wall: (1) The Montana Code of 1895; (2) the Constitution of Montana; (3) the first territorial or Bannack statutes; (4) 1898 report of the Bureau of Agriculture, Labor and Industry; (5) history of the Society of Framers of the Constitution; (6) volumes one and two of *Contributions to the Montana Historical Society;* (7) complete list of pioneers of Montana, about 1,700 names of whom probably 1,400 were then (1899) living; (8) picture of Hangman's Tree, Dry Gulch; (9) copies of Sanders' and Toole's speeches; (10) piece of wood from the floor of the White House laid in 1789; (11) copies of the daily and weekly *Herald, Independent, Butte Miner, Intermountain* and *Anaconda Standard;* (12) copy of the state constitution of 1894; (13) roster of the First Montana Regiment, with a sketch of its history; (14) Dimsdale's *Vigilantes;* (15) photograph of the letter appointing Lewis as head of the expedition; (16) list of Helena city officials from 1887 to 1898; (17) a number of rare coins; (18) a piece of adobe brick made at Fort Benton in 1846 and part of the old fort; (19) a program of the present exercises; (20) a resolution of congratulations to the Montana regiment by the Sixth Legislature; (21) a list of casualties of that regiment; (22) the Proceedings of the Grand Commandery and the Grand Chapter of Royal Arch Masons.

The erection of the building dragged along. It was not completed by January, 1900, nor in May, 1900, as the contractor had promised in 1899. Instead, it was not until January, 1902, that the finished building was turned over to the commission by the contractor.

The opening ceremonies were held July 4, 1902, with Governor Toole presiding. Rain forced the big audience into the rotunda to hear the speeches. A. D. Peck told of the work of the Capitol Commission. Then Senator William A. Clark delivered a flowery oration on "Montana, Her Past, Present and Future." But this was not all. Senator Paris Gibson was heard on the legislative department; ex-Governor Smith spoke on the executive department; and Chief Justice Theodore Brantly closed the symposium with an address on his department. Miss Sarepta Sanders, sister of Col. W. F. Sanders, read a portion of the address which illness and absence in Chicago prevented him from giving personally. Then, lastly, the contractor, H. L. Frank, was heard from very briefly.

The finished building was designed after the Ionic pattern of architecture and was built of Montana sandstone quarried at Columbus. It was two hundred and fifty feet long, and one hundred and thirty feet wide. The main entrance was at the north and admitted to the second floor. Above that floor were the legislative and judicial chambers in a third floor.

The original sum appropriated did not cover the cost of the building. The contractor lost money on his bid and was reimbursed in the amount of $57,238 by the Eighth Legislature; sixty thousand dollars having been appropriated by the preceding session for the furnishing of the building. The total cost of the building, furnishings and decorations was $490,465.

After the officials moved in it was found that the building erected did not contain sufficient office space, so that the Legislature of 1909 authorized the State Board of Examiners to issue bonds, secured as before by the land grant, in the amount of one-half million dollars. From the proceeds of this sale, two wings extending the building east and west a hundred feet in each direction, were built.

The new construction followed carefully the same style of architecture as the original building, so that the present building (1928) is a much better proportioned building than the original structure. Instead of the limestone used in the walls of the first construction, a native granite found near Helena of about the same tint as the limestone was used. The Thirteenth Legislature, assembling in January 1913, found the wings completed.

Fifteen years later the Capitol was again overcrowded in spite of other buildings which had been built. The visitor to the Capitol at that time found that the principal attraction on the ground floor of the main building was the State Historical Library. It had about 20,000 volumes on its shelves. The library had specialized in western Americana, including old directories, newspapers, magazines, maps, histories and original manuscripts. A museum was conducted in connection with the library. It contained collections of Indian relics, old guns, mineral specimens and many other articles used in by-gone years.

At the top of the grand stairway on the main floor was a painting, "Driving of the Golden Spike." It commemorated the completion of the Northern Pacific Railroad, celebrated on September 8, 1883, at Gold Creek, Montana, on the main line of this road just west of Garrison. The central figure was President James A. Garfield while at his back stood Governor Crosby, then Territorial governor, and Henry Villard, then president of the Northern Pacific. The painting was the work of the well known artist Amedee Joullin of San Francisco.

From the center of the main floor rose the magnificent copper-covered dome, richly lighted by stained glass windows, portraying in its four pictures the characteristic types of early days: the Indian, the trapper, the miner who led the westward march, and the cowboy. The trapper was a likeness of "Jim" Bridger, a pioneer of the west, honored also by a portrait in the Colorado capitol, while that of the miner was of Henry Edgar, well known in Montana as an early follower of the golden trail.

On this floor, also, was located the quarters of most of the elective officers, with the Governor's reception room adjoining the Governor's office. The Reception room, located in the east wing, was most pleasing with its brown and green tones and rich furnishings.

At the extreme west end of the third floor was the House of Representatives. Here was a painting by Charles M. Russell—the "cowboy" artist—portraying the famous meeting of the Lewis and Clark expedition with the Flathead Indians in 1805. In the picture on the right was noticed Lewis and Clark with their small party: Sacajawea, the Shoshone Indian girl who had been stolen by the Mandans and carried to Dakota, and was now guiding those white men into her home country; and York, the first negro ever seen by these Indians. This meeting took place at Ross' Hole, on the south fork of the Bitter Root River. The mountains in the background showed the rugged country selected by this great Indian tribe—more properly known as the Selish tribe—for their camp.

The early history of the State was depicted in the paintings by Edgar S. Paxson, of Missoula, on the walls of the lobby of the House. At the entrance to the left was portrayed "After the Whiteman's Book" showing the eager longing for the Christian teachings by the Flatheads. In 1831 four warriors were dispatched by their tribe to St. Louis to secure the "Whiteman's Book." This expedition met with failure, only one returning, ragged, hungry and heartsick without the coveted learning. The next picture was entitled "The Border Land." Information as to the historical background for this picture is lacking. In the panel "Lewis and Clark at Three Forks," were seen Lewis, Clark, Sacajawea, Charbonneau—the girl's half-breed husband—Colter, the noted guide, and York, Clark's negro body-servant. On July 25, 1805, Clark, who had gone ahead with a scouting party, reached the Three Forks of the Missouri. He viewed the country from what is now known as Fort Rock, and proceeded on his way, choosing the north fork, afterwards named by him the Jefferson. The next day he crossed overland to the middle fork, the Madison. He was on this stream when Lewis, coming up with the boats arrived at Three Forks on the 27th. It will be remembered that Sacajawea had been captured six years previous by the Mandans when hunting near Three Forks, and was taken with other spoils of war down the Yellowstone to the home of the Mandans in Dakota. Coming up the Missouri she at once recognized the country of the Three Forks and showed the spot where she was captured. The artist showed the girl standing with outstretched arm indicating the way the party must go to reach "her" country which is the land where the waters flow into the sunset.

East of the House of Representatives was the Senate Chamber, which also contained many paintings commemorative of scenes and incidents in the history of the state.

From the north side of the balcony of the rotunda a panoramic view of the Prickly Pear Valley and the mountains beyond, the Bear Tooth prominent in the middle north and Old Baldy, about forty miles away to the right, delighted the spectator's eye.

To the east of the rotunda, on the third floor lay the chambers of the Supreme Court where other paintings of Montana history were to be seen.

At the end of the corridor from the chambers of the Supreme Court, in the southeast wing of the building, was the law library, its walls adorned by paintings of Montana scenes by R. E. DeCamp. The library contained between 35,000 and 38,000 volumes. The collection of American statutory law was not exceeded by any law library west of the Mississippi River, and was equaled only by three older libraries within that territory. The collection of law journals and reviews, while not complete, was large and well selected. The library contained all of the American court reports and all the annotated cases or reports. It had all of the Canadian court reports and, generally, a complete set of the session laws and statutes of the Canadian provinces. It also contained full sets of the English and Irish reports, and possessed the reports of Scotland published during the last century.

At the east end of the grounds and to the rear were three smaller buildings, the nearest being the lunch room, used during the meetings of the Legislature for the accommodation of the members and visitors. South of this building was the livestock building, the first used in 1919, erected at a cost, including laboratory fixtures, of about $40,000. Further back towards the mountains, outside the main rectangular grounds, lay the State Board of Health Building, costing $50,000, which was occupied by that board and allied interests since 1920.

The Bar Association and the Code of 1895

Several attempts were made during the territorial era to compile the statutes of Montana into a code. Judges Warren, Knowles, and Symes codified the laws in 1871 and 1872; and this work was revised in 1879 and again in 1887. Every two years a new mass of legal enactment modified the law, necessitating a careful examination not only of the Code but also of the session laws and the court decisions since the Code in order to determine the legal status of a matter.

An assembly of lawyers at Helena on 8 January, 1885, formed the Montana Bar Association for the promotion of better legislation and more efficient government in every portion of the territorial organization. They elected that stalwart pioneer, Wilbur Fisk Sanders, their chairman and, four days later, their first president.

No more fitting selection could have been made and no one was more deserving of the honor. There were doubtless those in Montana who felt towards him as the Athenian citizen did toward Aristides. The reader will recall the story of how that famous man was approached on the streets of Athens by a stranger who did not know whom he was addressing. The stranger requested that he write the name of Aristides on the ballot which was to determine who was to be exiled. To the question, "What have you against Aristides?" the reply came "Nothing but I am tired of hearing him called the 'Just.'"

Wilbur Fisk Sanders had come to Montana with his family, himself being in his early thirties. He risked his life to assist the Vigilance Committee in bringing about law and order. He served in the Territorial House of Representatives for five sessions (1873-1879); he received the Union party nomination for delegate to Congress in 1865, and the Republican in 1867; and he served as the first Federal senator from Montana from 1890 to 1893. He presided over the deliberations of the Montana Historical Society from 1865 to 1890; the Bar Association honored him with its presidency in 1885; he held various high Masonic offices and was prominent in promoting the interests of the Helena Library. His oratorical powers caused him to be greatly in demand. One of his contemporaries, Jesse B. Root, published in the Great Falls *Tribune* an encomium at the time of his death which said of him in part:

"Wilbur F. Sanders was a man of superb courage. He always acted without fear. Yet he was always just. Truth, justice and liberty had no greater friend and champion. Bigotry, injustice, prejudice and falsehood, no greater nor more valiant foe. This imperial man came to Montana before any government of the territory had been established—at a time when men of pride, of intellect, of principle and of courage needed to direct affairs and to establish order, law and justice. It was his intelligence, his sense of fairness and justice and his courage and the example he set, that did more than all else to bring order out of chaos, establish justice and make the early history of Montana a pleasant memory. Of all those brave pioneers who helped to carve out a state, and to establish order and justice he was the most conspicuous and the most forceful and potent.

"Colonel Sanders was a natural orator. He was armed with the sword of attack and the shield of defense. And what shall I say of his eloquence, to which for years popular assemblies and courts in Montana, entrance by his splendid imagery and his convincing logic, have so often listened? The limits of this occasion will not permit a full description nor a full—and therefore not a just—estimate. Imagination never hurried him beyond the limits of good taste. His wonderful powers of reasoning were never employed in the furtherance of fraud and injustice. He was incisive. He painted pictures with words. He was a sculptor in speech. He possessed the presence, the pose and voice of the orator. His logic was as unerring as mathematics. His humor was rich as 'Autumn, when the boughs and vines bend with the weight of ripened fruit.' His wit was as sharp as glittering steel, and as quick as lightning. His ideas were not embalmed in rhetorical embellishments, nor buried in superfluous tinselry of metaphor and trope. He clothed his thoughts for the occasion, and if the occasion demanded they stood forth naked, in all their native majesty. He would not bend to passion, but would stoop to conquer reason."

Sanders died at his magnificent home in Helena on 7 July, 1905, his death being caused by a cancerous growth behind one of his eyes. His burial in Forestvale Cemetery was one of the grandest occasions in the history of Montana, for all men delighted to do him honor.

It was such a man as this who was the moving spirit in the Montana Bar Association. This body at once set about to secure a codification of the common and statute law. In 1887, the Bar Association passed resolutions urging such a codification, and after that time various members kept the matter before the public. One of the last acts of the Territorial Legislature was the authorization of a code commission. This commission as named by Governor White, was composed of former Chief Justice Decius S. Wade, ex-Governor Carpenter, and F. W. Cole. They were instructed to prepare four codes, to wit: civil, civil procedure, penal, and political. By constitutional provision all the unrepealed laws of the territorial government remained in effect under the state government, so that the Code Commission had these to consult as well as the session laws of the State Legislatures. In February, 1892, the commission completed its compilation and submitted it for enactment to the Legislature of 1893. This body adjourned without approving the Code and thus the matter was laid over until 1895.

At a meeting of the association 5 April, 1894, Judge Wade presented a lengthy argument of the values of such a code and this speech was later printed in full and widely distributed. It probably had a stronger influence than any other single factor in bringing about the desired end.

Judge Decius S. Wade had been an important figure in Montana before his participation in the making of the Code. He had been born 23 January, 1835, at Andover, Ohio. There was slight opportunity in Ohio at that time for higher education even for those who could easily afford it. Mr. Wade attended Kingsville Academy, taught school, and studied law in the office of his uncle, Senator Benjamin F. Wade, being admitted to the Ohio bar in 1857. He practiced law at Jefferson; was elected probate judge of Ashtabula County in 1860; and interrupted this office to fight on the Union side of the war. In 1869, he was elected to represent his district in the Ohio Senate, and from that office was taken by President Grant to be chief justice of the Territory of Montana on 17 March, 1871. To this office he was re-appointed by successive presidents until he had served for seventeen years. Upon his retirement he formed a partnership with E. Warren Toole and William Wallace, Jr., for the practice of law in Helena. Three years later came his appointment as code commissioner.

The Legislature of 1895, recognizing the quality of the work done by the commissioners, and, perhaps, moved to action by the eloquence of Judge Wade, accepted the Code as prepared and added to it the enactments of 1893 and 1895. This remained the official code until 1907.

An Anti-Gambling Law

The Legislature of 1895 enacted a statute which prohibited all kinds of gambling, a pastime which amounted to a profession in many cases, had been a source of revenue to the state, but which had been a fruitful cause of much violence and public disorder. Gambling was a "hangover" from the early times when there had been few if any more profitable, morally speaking, amusements, and there were many who viewed with dismay the removal of licensed gambling from their midst. However, the courts soon relieved them from their discomfiture by pronouncing the law unconstitutional, when in order to test the matter, one Peter Kelly, of Helena, stood trial on the charge of operating a faro game.

The difficulty arose when the penal code as prepared by the Code Commission came before the Legislature of 1895. This body desired to mitigate the severity of the proposed law by substituting a less stringent one. But in so doing they failed to satisfy the requirement stated in section 23 of Article V of the Constitution. At the time of the passage of the amendment the act which they proposed to amend had not yet received the governor's approval, consequently it was not subject to amendment in that form. This new law was brought before Judge Blake, of Helena, very soon after the adjournment of the Legislature which enacted it. The judge directed an acquittal, and the Supreme Court promptly upheld him, remarking that even if the law were designed to improve the morals of the community the courts could not afford to let the laws get into a tangle.

The Legislature of 1897 corrected the oversight and put a law on the books making it a felony to play any game of chance for money, with cards, dice, or any device whatsoever or any banking or percentage game. This law, like its predecessor, was tested in court, and was found to be constitutional.

In an effort to lessen the number of cigarettes sold, this Legislature levied a tax of ten dollars a month on retail cigarette dealers. A subsequent Legislature reduced the amount of the tax while retaining the levy in principle for purpose of revenue only. Another revenue measure of this Legislature of 1897 was the inheritance tax law. This measure imposed a tax of five per centum on bequests where the beneficiary was not a relative, and of one per centum on directly inherited estates amounting to more than $7,500.

The Election of 1896

Montana under the administration of Governor Rickards had not been happy. This was no fault of Mr. Rickards, and all men recognized his high qualities and abilities as a statesman, but the party which supported him had also passed the Wilson-Gorman tariff which had handicapped the sheep industry. In order to understand why the election of 1896 went against the Republican party we must look at the economic conditions which obtained under its regime, for even if the party is not directly responsible it has long been customery for the political party in power to claim the credit for prosperity, and, conversely, its opponents will credit it with any adversity which may obtain under its administration.

The basic industries of Montana, with the exception of the copper production, had suffered heavily, and the copper industry did not represent many votes. The price of cattle during the five years preceding this election had been irregular and had reached the lowest point shortly before the canvass. The range was as follows: in 1891, 455 cents per hundred pounds live weight; in 1892, 432; in 1893, 465; in 1894, 434; in 1895, 473; and in 1896, 405. These prices were f. o. b. Chicago, to which point the producer had to pay shipping charges out of these meager returns.

Sheep in 1892 were worth $2.71 a head; and in 1896, only $1.54. "The low price of wool, uncertainty as to the future, increasing flocks and the necessity forced upon many during the continued depression to realize on something marketable, were among the causes resulting in the larger marketing," said a contemporary. Wool in 1895 was worth about ten cents a pound in the condition in which it was removed from the sheep's back. In 1896 it sold from two to three cents under that figure thereby falling below the point of profitable enterprise. In 1896 Montana had more sheep and produced more wool than any other state of the Union. She had then 2,969,657 head and clipped 21,530,013 pounds of wool. The producer had to pay the freight to market out of the seven cents a pound or thereabouts that he received and freight from Custer, Montana, to New York City on wool in bales was $1.40 per hundredweight. Sheep herders were then receiving thirty dollars a month in addition to their keep, which brought the yearly cost of labor to something like seven hundred dollars a year per man employed.

Predatory animals took a heavy toll of flocks and herds. One cattleman reported, "I have been paying a private bounty of five dollars for big greys (i. e., wolves) and $2.50 for pups, and destroyed this season over three hundred and fifty big greys. Still, I think fully fifty per cent of the calf crop was destroyed by pests this summer." From Meagher County a man reported that the associated cattlemen were paying thirty dollars for every wolf killed. The counties paid a bounty of $83,802 on 5,866 wolves and 22,068 coyotes between July 1, 1895, and June 30, 1896. The reader will recall that not many years previous hide-hunters had killed buffalo by the tens of thousands and left their bodies to be food for these predatory carnivores thus greatly increasing their numbers far beyond that which their normal food supply would permit. When the buffalo were gone, the cattle and sheep suffered from the short-sighted policy of the hide-hunters to feed and multiply the hordes of wolves and coyotes. The normal food of the coyote is the jack-rabbit. When the liberal bounties began to reduce the number of coyotes, the wheat growers began to complain of the depredations of the jack-rabbits whose numbers rapidly increased owing to the removal of their natural enemies. Thus when man interferes in any way with Nature's scheme of balancing wild life against its food supply, new difficulties arise.

JOHN E. RICKARDS
Governor
Jan. 2, 1893, to Jan. 3, 1897.

The wheat crop, like the livestock crops, showed a heavy shrinkage as compared with former values. In 1888, the value of wheat on the farms in December was reported as $1,700,850; in 1893 this value fell to $560,260; the year following showed a slight improvement with a value of $600,337; and the million bushel crop of 1895 was worth only $777,613. Potatoes showed a similar decrease in value, although this crop represented only a fifth of the value of the wheat crop.

The adversity was clearly reflected in the assessed valuation of the livestock, as shown by the following table:

	Assessed Values	
	In 1892	In 1896
Cattle	$10,760,012	$11,470,547
Sheep	5,098,931	4,338,948
Horses	4,797,372	3,030,999
Four years' shrinkage total		2,183,821

From the foregoing, it is not hard to understand why the people of Montana were willing to look to another political party for guidance in the election of 1896.

The campaign was bitterly fought. Nationally, William Jennings Bryan was campaigning on the platform calling for unlimited coinage of silver which meant prosperity for the silver mines of Colorado, Montana, Wyoming, and Nevada as well as cheaper money with which the western farmer might pay off his accumulated debts to eastern capitalists. In Montana the Republicans who favored "free silver" joined with the Democrats and Populists to elect the following officials by an overwhelming majority:

ROBERT B. SMITH
Governor
Jan. 4, 1897, to Jan. 7, 1901.

For Governor—Robert Burns Smith, of Helena.
Lieutenant Governor—A. E. Spriggs, Townsend.
Secretary of State—Thomas S. Hogan, Helena.
Treasurer—Timothy E. Collins, Helena.
Auditor—T. W. Poindexter, Jr., Helena.
Attorney General—C. B. Nolan, Helena.
Superintendent of Public Instruction—E. A. Carlton, Helena.
Representative in Congress—Charles S. Hartman.[7]

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[7] Boys and girls who read this list should remember that under the Montana form of government all these officials are of equal rank. The above arrangement does not mean that one man is of higher rank than another, and, so far as the offices go, the only advantage possessed by the Governor is his greater power to appoint subordinate officials, and his right to veto legislation. The Governor has no authority to compel the performance of any

Robert Burns Smith, the newly elected governor, was an estimable and an able man. He was born in Kentucky, 29 December, 1854. He was admitted to the bar and practiced law in his native state until his removal to Dillon, Montana, in 1882. Two years later, he sat in the constitutional convention; from 1885 to 1889 he was United States district attorney for Montana. In 1887 he removed to Helena and entered into partnership with Samuel Word and his son, Robert Lee Word. Following his resignation as United States attorney he continued his private practice and also served as city attorney for Helena. Smith's executive term expired in January, 1901, and his death occurred seven years later on 29 November, 1908. One who was closely associated with him, said of him several years after his demise:

"He had no patience with the technicalities that fettered the administration of justice. His sympathy was as broad as humanity; he was so gentle and so just that he could not give offense. The poor and suffering were the special objects of his consideration. Withal he was so modest and unassuming that few of his friends really appreciated his native nobility. It was necessary to be on terms of intimacy with him in order to know him thoroughly. His success at the bar was not of the grandiloquent order, but was, nevertheless, great. I have known no kinder man. I have seldom seen in another so much moderation with so much firmness."

The University Program

In the territorial era of Montana development efforts had been made by the Presbyterians at Deer Lodge to establish a college which would be equipped to offer both academic and higher education. During the same time that this effort was being made, the Methodists, under the leadership of Van Orsdel and others, were planning a similar venture to be established at or near Helena. The Presbyterians had the advantage of an earlier start with the handicap of a smaller constituency, the Methodists had a larger group from which to draw support but were handicapped by the hard times in which their venture was begun.

The Presbyterian Synod in 1882 took over the Montana Collegiate Institute which had been started by the generosity of Conrad Kohrs and others as a private institution without affiliation with any religious or other organized group in September, 1878. The Montana Conference of the Methodist Episcopal Church opened its Montana Wesleyan University at Helena in 1889. The complete story of these two pioneer colleges will be found in the chapter following on Education in Montana; here, it will suffice to say that neither was able to procure that educational leadership without which no institution of this kind can be built. They suffered from the hard times of the early '90s under the threat of a competition by the state which prevented the citizens of Montana from contributing as liberally to their foundations and support as would have been necessary to make them the institutions which the young people

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of the other officials, and he can not invite any of them to resign when their policies do not agree with his, as the federal President can do with his Cabinet.

of Montana required. For a time it appeared that the Methodist school, which had the great advantage of being located at the capital, might become the state institution, and its board of trustees went so far as to change the name to Montana University, dropping the name Wesleyan which marked it as a sectarian organization.

But since the constitution of the state provided that "no appropriation shall be made for any charitable, industrial, educational, or benevolent purposes to any person, corporation, or community not under the absolute control of the state, nor to any denominational or sectarian institution or association" (Article V, section 37), the Methodist Conference would have had to abrogate their control and this they were not wiling to do, for they desired to make their school another means of propagating their teachings, and believed that they could support a Methodist college.

Since the Federal Government had indicated its willingness to endow a university with a large area of lands, the Constitutional Convention had written into the basic law of the state provisions for the establishment and maintenance of a university. In order that the reader may clearly understand the constitutional bases on which the university system of the state rests, the provisions relating thereto are here quoted.

Article XI, section 9. "No religious or partisan test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as teacher or student; nor shall attendance be required at any religious service whatever, nor shall any sectarian tenets be taught in any public educational institution of the state; nor shall any person be debarred admission to any of the collegiate departments of the university on account of sex."

Article XI, Section 11. "The general control and supervision of the state university and the various other state educational institutions shall be vested in a state board of education, whose powers and duties shall be prescribed and regulated by law. The said board shall consist of eleven members, the governor, state superintendent of public instruction, and the attorney general, being members ex-officio; the other eight members thereof shall be appointed by the governor; subject to the confirmation of the Senate, under the regulations and restrictions to be provided by law."

Article XI, Section 12. "The funds of the state university * * * shall forever remain inviolate and sacred to the purpose for which they are dedicated. The various funds shall be respectively invested under such regulations as may be prescribed by law, and shall be guaranteed by the state against loss or diversion. The interest of said invested funds, together with the rents from leased lands or properties shall be devoted to the maintenance and perpetuation of these respective institutions."

Prior to 1900 the lands with which the university-to-be was endowed were worth very little, owing to the existence of many other large tracts as yet unoccupied. But as the state came to be better settled these lands rose steadily in value both for leasing and for purchase. The legislature, then, was faced with the fact that if it desired to set up a university system it would have to finance that system by taxation, for the endowment would not be sufficiently productive to support a university.

In spite of many demands for money upon the general fund of the state, the Legislature of 1893 determined to establish a university with four dispersed divisions: a college of liberal arts at Missoula; an agricultural school at Bozeman; a normal school at Dillon; and a school of mines at Butte. Once committed to the expensive policy of dispersion, the towns selected for the sites were well chosen. Butte was the center of the mining industry. Bozeman was in the heart of the best agricultural region, Dillon was an important railway center in the southern part of the state and had a legitimate claim to one of the institutions. While it is now (1928) difficult to reach by rail and far from the center of population, that handicap has been partly overcome by setting up normal schools elsewhere. The wisdom of erecting any additional buildings is perhaps questionable for doubtless a future Legislature will see fit to remove the normal school from this location, which is becoming increasingly unfortunate as population develops in the northeastern section of the state. Missoula's claim to the college of liberal arts rested principally on its being the largest town west of the Divide, in a thoroughly settled portion, and in the heart of the lumbering region where a school of forestry would be appropriate. Furthermore, like Bozeman it was on a transcontinental railway line, as easy of access as any city other than Helena. Helena was, of course, the logical place for a single university campus. No town was more easy of access to the population of the state, the city library was the best in the state, and being at the seat of government had great advantages for the study of the social sciences.

The Legislature provided funds from the general taxation to start the university's four units, and authorized a bond-issue by the newly appointed Board of Education to erect buildings. The funds of the state were not mortgaged by these issues; they were backed by the lands granted by the Federal Government. On 1 July, 1895, an issue of one hundred thousand dollars was sold for the State Agricultural College, and one half that amount for the Normal School. Two years later, an issue of one hundred thousand for the Missoula unit and forty thousand for the Deaf and Dumb Asylum were floated. These were all borrowed at six per centum. On July 1, 1900, a five per cent issue for the School of Mines was sold amounting to $120,000.

It should be noted that the Agricultural College and the School of Mines both had individual grants for their specific purposes. The Agricultural College had 140,000 acres given to it by Congress, and the School of Mines 100,000 acres. By leasing these lands to cattle and sheep grazers a good income was derived without alienating the ownership.

Survey of the Montana-Idaho Boundary

An interesting and valuabe piece of engineering work was ordered to be done under the direction of the United States Geological Survey by the Act of Congress approved 4 June, 1897, which provided for the survey of the boundary between Montana and Idaho from the Bitter Roots to the Canadian line. For this purpose of the sum of seven thousand six hundred and fifty dollars was allowed.

By definition, the boundary lies exactly upon the thirty-ninth meridian west of the City of Washington, a line which is equivalent to 116° 3′ 2.30″ west of Greenwich, England, an observatory near London. From the Canadian line, the boundary of Montana and Idaho runs south along this meridian to the Bitter Roots, thence along the crest of this range to the Rockies, and along the crest of that range to the Wyoming border in a crescent-shaped line which bears almost due east at its southern extremity.

The survey was made from a base laid out at Spokane, the triangulation method being employed. A monument eight and a half miles west of the Montana boundary intersection was found marking the international frontier. The field party was required to survey and mark the boundary. For the latter purpose they used two stone monuments which they packed in ten sections each to the northern and southern extremity of the seventy mile line; two monoliths which they placed at the Great Northern and Northern Pacific crossings; and eighty-nine iron posts placed intermediately between the stone monuments.

Some idea as to the difficulty of the survey and marking may be gained from the fact that the south end of the line is 4,850 feet above sea-level and that it crosses peaks and canyons in its northward trend in such a manner that its total rise and fall of profile is 63,000 feet in the seventy and one half miles. Every foot of this distance was measured by chain, sometimes across wind-blown peaks whose ascents were almost sheer, sometimes through forest growth so heavy that paths had to be chopped, and sometimes through swamps hitherto crossed by nothing but moose and elk. Smoke from burning forests hindered the surveyors in the summertime and snow after October first made the ascent of the triangulating peaks impossible.

The work was completed in the fall of 1899. The geographer in charge of the party, Richard U. Goode, made an interesting comment regarding the mountainous part of the boundary to the south and east of the surveyed line. "There is abundant evidence that the summit (of the Bitter Root Range) is what is known as a retreating or migratory divide; in other words, the waters tributary to the Bitter Root River in Montana are continually capturing by erosion those of the Clearwater River in Idaho, so that the divide is slowly being shifted to the westward, thus adding to the territory of Montana and diminishing that of Idaho. The existing divide (1900) is uniformly from six to eight miles from the irregular line representing the original divide, if the latter may be accepted as having passed through the highest points of the range, which seems probable."

State Finances

The first ten years of the independent government was an experiment in finance for those responsible for the state government and the fact that, notwithstanding the hard times of the first half of the decade, they kept out debt spoke well for their financial ability. It will be remembered by the reader that, owing to the difficulty in getting the first Legislature organized, the territorial laws pertaining to revenues and expenditures remained in force until after March, 1891.

Assessed valuation and receipts rapidly grew after the hard times passed. In 1897, the assessed valuation totalled $130,757,411.55 and was divided approximately as follows: real property $67,175,000; personal property and improvements on real estate, $49,907,000; railroad property, $13,674,000. In many counties the railroad companies were the largest taxpayers, and in others, the owners of standing timber contributed far more than the settlers to the expenses of government, state, local, and school funds. Licenses for the sale of liquors was a prolific source of revenue, which, in 1897, amounted to upwards of a half million dollars.

The receipts for the last four years of the decade were:

State finances only,	for 1897,	$ 897,096
	for 1898,	929,339
	for 1899,	1,476,293
	for 1900,	1,200,933

Of these receipts between 1897 and 1900, $510,000 was from the sale of bonds for the State institutions which would be repaid from the lease and sale of lands donated for those purposes by the Federal government. The expenditures of the State ran so far under the receipts that there was no possibility of incurring a debt unless gross extravagance should occur. In December, 1900, the Permanent School Fund had accumulated $340,495, which was drawing interest to help support the common school system. This school fund had been growing rapidly, owing to the influx of settlers who wished to buy and to lease lands. In 1896 the fund had only $176,000, so that in four years it had doubled. Funds derived from leases went into the current income; only the lands sold and the estates escheated furnished revenue for the Permanent Fund.

The Clark-Daly Controversies.

The United States senatorship of the Honorable Lee Mantle was due to expire 3 March, 1899. It, therefore, became the duty of the Legislature, which convened in January 2, 1899, to elect his successor. The senatorship was sought by William A. Clark, to whom money was nothing except a means of satisfying his desires. He was a very wealthy man and having been balked in his candidacy in 1893 by his old enemy, Marcus Daly, was determined at all costs to win this campaign.

The feud between these two men was long standing and had arisen from their conflict of interests in the mining industry.

Marcus Daly, born 5 December 1841, in County Cavan, had immigrated to America when a stripling of fifteen summers. After a time spent in Brooklyn as a leather worker he started for the country of opportunity, California, shortly before the Civil war. He worked in various camps of California and Nevada becoming familiar with the practical problems of mining and accumulating vastly more experience than wealth. Thus he made a connection with the Walker Brothers of Salt Lake City and was by them sent to Butte in 1876 to purchase mining property. He bought an interest for them and for himself in the Alice Mine, the pioneer shaft of Anaconda Hill. He superintended the working of both this property and of the Anaconda, in which he bought an interest about four years later, both these shafts being worked for their silver content.

Daly purchased the Anaconda Mine, which lay lower down the slope than the Alice, from Michael A. Hickey for thirty thousand dollars. Hickey with his brother Edward, and Charles X. Larrabie, had been the original discoverer and had filed on the land when it belonged to the Federal government. Hickey is said to have had the name *Anaconda* suggested to him when he was a soldier in the Army of the Potomac by one of Horace Greeley's editorials in which McClellan was said to be enveloping Lee's army "like a giant acaconda." Years later, the odd word was still in his memory and this came to be the best known word in Montana.

When the Anaconda shaft had reached a depth of one hundred feet their previous disappointment was turned into joy by the discovery of a small seam of copper. At the three hundred foot level a five foot seam of copper ore was found, an ample compensation for the fortune which had been spent in sinking the deep shaft. Thus Daly became the copper pioneer of Montana. The existence of copper was previously known but it had not been found in quantities which would pay for milling.

Lacking an abundant water supply in Butte, Mr. Daly determined to erect a smelter twenty-eight miles west on Warm Springs creek. In 1883 land was purchased from the railroad company and the Federal government, and the settlement was begun which was later named Anaconda, a name derived from the company which Daly had organized, the Anaconda Silver Mining Company. To convey the raw ore from the Butte mines to the smelter, the Butte, Anaconda and Pacific Railroad was built, first operated by steam but later electrified. This railroad was the first in America to substitute electricity for steam in handling heavy traffic. The development of water power by the Montana Power Company, organized in 1912 by John D. Ryan, made this possible.

In the meantime William Andrews Clark had been building his fortune. Clark had come to Montana, as poor as Daly, driving an ox-team. He worked placer claims in summer and freighted in winter, building up a fortune by hard work and close saving, together with quick grasping of opportunity. In 1873 he began to develop copper mines in Butte and was the first person to ship cupric ores out of Montana. There were no smelters to handle copper in the Territory and Clark did not have the money to build one. On his suggestion the Boston and Colorado Smelting Company assisted in organizing a new smelter company in 1879, which erected the first plant in Butte. This enabled Clark to ship concentrated ores and copper matte at a profit on the enterprise. He and his brothers soon built up large copper mining properties and became wealthy in the early eighties.

By this time Clark and Daly were enemies. They were men of entirely different stamp who would have found little in common even if business interests had not brought them into conflict.

Clark was an undersized wiry little man, fond of art, a student by disposition, said to have been "inordinately vain," "treacherous," and close-fisted. He isolated himself so far as possible from the mine workers and was unpopular among his fellow-citizens of Butte. Daly, on the other hand, was a handsome well built Irishman of medium height and stocky build, well beloved by his workmen with whom he loved to mingle. For recreation Clark went in for art, while Daly spent his spare time at his well-appointed stock farm in Deer Lodge valley where his thoroughbred horses received his lavish care and affection.

But their feud was, according to Charles P. Connolly, a Butte attorney, who wrote the story in *McClure's Magazine*, due to a personal affront given by Clark to Daly. To quote the exact language of this attorney who was in a position to know the facts:

"Probably the first event of any importance in this feud occurred in the late seventies. Daly was managing the Alice mine for the Walker Brothers of Salt Lake City. Clark, without request and without excuse, save the fact that Walker Brothers were neighboring bankers, wrote them a letter saying that Daly's management of the Alice was extravagant and unbusinesslike. The Walker Brothers promptly remailed the letter to Daly.

"After Daly had secured the cooperation of Haggin, Hearst and Tevis for the development of the Anaconda, Clark opened a correspondence with James B. Haggin, in which he used every stratagem to discredit Daly. The only result was that Haggin loosened his purse strings the more, and Daly was finally given *carte blanche*.

"There is no question that Clark made it a practice to refer to Daly slightingly, ridiculing his uncouthness and explaining his discovery of Butte hill as an accident. These remarks were foolishly carried to Daly."

Clark had political ambitions; Daly said that he knew himself (Daly) to be unfit for public office. Both men were Democrats. In 1876 Clark represented the Territory at the Philadelphia Centennial. He was president of the constitutional convention of 1884; and four years later thought he should be sent to Washington as Territorial delegate.

This gave Daly his first chance to even the score. Clark won the Democratic nomination as delegate, but in the election Daly saw to it that Thomas H. Carter, the Republican opponent of Clark, received large majorities.

The following year, 1889, Clark had no opposition from Daly when he was elected president of the constitutional convention. Another punishment was to follow. The state Legislature of 1890, charged with the duty of electing two senators to Washington, was, owing to election frauds, evenly divided. As we have seen, both a Republican and a Democratic Legislature sat, both claiming to be the official body. The Democratic body named Clark and Martin Maginnis for the togas. But the Republican Senate at Washington made no difficulty of accepting the gentlemen named by the Republican Legislature of Montana, Sanders and Power.

Then came the question in 1892, of the permanent location of the capital. Helena, Anaconda, Butte, Bozeman, Great Falls, Deer Lodge and Boulder, contested for the honor—practically every town of any size in the western half of the state except Missoula and Dillon. It required a majority of the votes cast to give a choice. Out of a total vote of 45,920, the two highest, Helena and Anaconda, received respectively 14,010 and 10,183 votes, necessitating a second election in 1894. Daly supported his pet city of Anaconda most vigorously, sending at his own private expense speakers all over the state to urge the claims of Anaconda. Clark, unwilling that Daly's will should determine the matter, gave valiant assistance to the citizens of Helena in a similar manner. While the two cities were geographically close together, the railroad routes all favored Helena. Anaconda could be reached only by the way of the Butte, Anaconda, & Pacific, a little road that had been built only to connect Butte and Anaconda, and ended in a gulch a few miles west of the latter without any western connections. Helena won the contest by a plurality of 1,906.

The expenditure of funds by both Clark and Daly to influence the choice was enormous. Montana was so large a region to canvass that the expense of travel alone for the speakers sent out was a considerable item. It became a matter of public record that Daly spent more than a million dollars. It is probable that, including the value of leases which Daly later gave his followers, his expenditures ran as high as two and a half millions. Clark probably spent between four and five hundred thousand dollars in favor of Helena.

On election day an Anaconda supporter, probably somewhat intoxicated, ran down Last Chance Gulch yelling "Hurrah for Anaconda." He was mobbed and then taken to jail for his own protection. Daly, hearing of it, chartered a special train in Butte and sent two expensive lawyers to the rescue of his henchman, whom he did not know personally. Daly later gave him a lease in a copper mine from which he made sixty thousand dollars.

When the results of the election were announced, Helena went wild with joy. The citizens sent for Clark and his supporter, John M. Quinn, an editor of the Butte *Miner* whose editorials had defended Helena's case, and gave them a magnificent ovation. A crowd of rejoicing citizens hauled their carriage through the street while fireworks illuminated the mountain sides. An effigy of Daly was shrouded and carried on an improvised bier, amid jeers. The stalwart Irishman never forgot this insult.

In the meantime another source of friction developed. Sanders' senatorial term lapsed in March, 1893, which opened another opportunity to Mr. Clark's aspirations for the toga.

Throughout the sixty day session of the Legislature, Helena seethed with the strife of the contending factions. Helena favored Clark, who had many interests there.

Connolly, who lived through the scenes there, and later presented Daly's case to the public, said:

"Rumors of legislative corruption were rife. William Wirt Dixon was the principal Daly candidate opposed to Clark. Clark pursued, in this legislative campaign, those revolting tactics which provoked such bitter feeling against him. Men whose lives had been clean were corrupted not only by the use of money but in worse ways. Questionable resorts were chartered and debaucheries ensued which shocked not only the high-minded but the indifferently scrupulous.

"It was rumored that in several cases when Clark bought up legislators, the Daly forces paid a like amount to buy back their allegiance, or to get them to leave the state."[8]

The balloting for senator continued for several days, some Republicans joining their votes with those of the Democratic supporters of Clark. These men were severely reprimanded by their fellow-Republicans and great effort was made to hold them in line for support for their candidate, W. W. Dixon. Wilbur F. Sanders threatened one of the recalcitrants whom he knew had been offered a bribe, in the following language:

"I tell you, Coder,[9] that I have done my part with other men in ridding this country of road-agents and robbers. We accomplished that when we had to deal with sterner men than you are; and I tell you that this state will not hold the Republican who, in the presence of stalking bribery, votes for a Democrat."

Clark felt certain of his election. It was said that he had the manuscript of his speech of acceptance in his hand during the last hours of the session, but the final ballot found him three votes short of the required number. Senator Matts, of Missoula County, then rose and gave voice to a fierce denunciation of Clark's efforts to secure the place. "I want to see no man representing this state in the Senate who obtains votes by force or fraud. I want to see a man elected to the United States Senate who is not tainted by fraud, bribery, or corruption."

Following this philippic, on motion of Senator Matts the joint session was adjourned without having selected a successor to Senator Sanders.

If and when a vacancy in the Senate occurred it was customary for the governor of the state lacking representation to appoint a man to fill the incomplete term. But this was "a horse of a different color." Here the term was not incomplete, the Legislature had failed to exercise its prerogative of electing a senator. Nevertheless Governor Rickards, Republican, hearkening to the recommendations of his friends throughout the state, appointed Lee Mantle to fill the vacancy.

Mantle was a leading Republican in the state. He was a naturalized Englishman who had been a farmer in Utah and a telegraph operator in Idaho before coming to Montana. Then he became an agent for the Wells Fargo Express, leaving their employ to take up newspaper work in Butte. In 1881 he founded the *Daily Inter-Mountain* and edited it successfully until he was sent to Washington in 1895. When the Northern Pacific land grant controversy came up in 1889, Mantle was made president of the convention which discussed the matter. He was mayor of Butte for some years, and chairman of the Republican State Central Committee.

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[8] McClure's 27:461.

[9] Coder is probably a fictitious name used to conceal the identity of the gentleman addressed. The quotation is from Connolly, *op. cit.* 200.

In 1904 he was sent to the Saint Louis Exposition as president of the Montana Commission and the following year to the Portland Exposition in the same capacity.

But, to return to the controversy of 1893, Mr. Mantle was a free-silver Republican which made him inacceptable to others of his party in the Senate at Washington. Then the Democratic senators reasoned, when the question of his seating came before the Federal Senate, if he should be rejected, Governor Rickards would call an extra session of the Legislature which would undoubtedly elect a Democrat and thus aid that party at Washington. They were well aware that Rickards' appointee had not represented majority sentiment in Montana, although he was an able and worthy man. These various considerations led to his rejection.

Rather than summon an extra session of the Legislature which had once failed to agree on the matter, and, if they reached an agreement, would probably select a senator of the Democratic party, Governor Rickards chose to permit the seat to remain vacant until the following regular session, January, 1895. Then an overwhelmingly Republican Legislature easily elected Mantle to serve until March 3, 1899.

The experience of 1893 must have chastened Clark. At any rate he let the contest of 1895 go by without effort to secure the prize. But when the seat again was about to be vacated, he renewed the contest.

That trouble was brewing was evident in the fall of 1898. Effort was made at the November election to capture by force the ballots cast in a precinct where Daly's influence was strong in order to destroy the legal ballots of that faction. In Butte precinct number eight, while the judges were counting the votes at four in the morning following, two masked men stepped in and tried to get possession of the ballots. Dennis O'Leary, an unarmed policeman, seized the first man and John J. Daly, an election clerk, jumped to his aid. The other intruder fired, wounding O'Leary and killing Daly. The assassins fled without accomplishing their purpose. The destruction of these ballots would have meant the election of the Republican ticket which Clark was supporting. A reward of ten thousand dollars was offered, but the identity of the assailants was never discovered.

Under these sinister antecedents the Legislature assembled on New Year's Day, 1899. The State Capitol had not been completed, so the Merchants Hotel, on Broadway's south side, half-way up the hill had been prepared for the use of the Legislature. The Daly men were able to name Henry C. Stiff, of Missoula, to be speaker of the House; Lieutenant Governor Spriggs presiding over the Senate by virtue of his office.

On January 9th, a member of the House mentioned the rumors of bribery and moved an appointment of an investigating committee. It had been commonly reported that Clark had a million dollars which he was willing to spend in order to turn the election, and his son Charles William is reported to have said, "We will send the old man to the Senate or the poorhouse." The investigating committee was duly appointed.

The following morning, the tenth of January, before the balloting for senator began, the committee made its report. The sworn testimony of several men was read aloud—testimony which convicted several of the men who heard it read of a criminal offense and ruined their reputation. State Senators Whiteside, Clark, Myers, and Garr had exposed the men who had offered them large sums.

Representative Stephens, of Missoula County, then proposed the following as a joint resolution, which was unanimously accepted:

"Resolved, by the House of Representatives, in joint assembly with the Senate, that the evidence submitted to the joint assembly by the joint committee of the Senate and the House is sufficient to convict the persons therein named of the crime of bribery in any district court of this state, and therefore we request that the judge of the district court of the First Judicial District in and for the County of Lewis and Clark, call a session of the grand jury in said district to take up and examine into the matters stated in said report, as they would in any other case of alleged crime against the peace and dignity of the state."

In response to this request Judge Sidney H. McIntire summoned a grand jury to meet on the fourteenth. On the twenty-sixth this jury reported that it had examined forty-four witnesses and that "while there has been some evidence which tends to show that money has been used in connection with the election of a United States senator, it has been contradicted and explained in such a way that all the evidence introduced before us, taken together, would not, in our judgment, warrant a conviction by a jury trial."

Sentiment in Helena supported the grand jury in its refusal to indict. The city was so eager to see its champion elected that the moral element was lost sight of, a condition of public opinion not at all confined to this occasion or to this city. In fact those who stood out against the bribery found themselves unpopular, and were made conscious of a lack of sympathy, even an attitude of reproach that they should set themselves up as persons of superior virtue.

Mr. Whiteside's seat in the Senate was in contest, and on January 26, was taken from him and given to his Republican opponent John H. Geiger, by the votes of all the Republicans supported by nine Democrats. There were in that session of the Senate five Republicans, eighteen Democrats and one Populist. In the House sat fifty-six Democrats, four silver Republicans, and ten Republicans. Mr. Whiteside was counted as one of the Democratic senators in the above enumeration. The contest was based wholly on a question of ballot count and did not in any way imply any lack of fitness on the part of Mr. Whiteside. The question on which the issue rested was regarding the admission of votes marked to the right of the candidate's name instead of to the left as required by law. The clear intention of the majority was to elect Mr. Whiteside, but some of his supporters erred in marking their ballots.

On January 28, Mr. Clark received the vote of fifty-four members in joint session, while his opponent, William G. Conrad, received twenty-seven.[10] There were also four votes for T. C. Marshall and four scattering.[11] Thus William Andrews Clark was within sight of the goal of his later years—he had been elected to the United States Senate.

But the means of his election was shameful, if we are to believe the sworn testimony of men before the Senate Investigating Committee. The men who comprised the Legislature were not wealthy men. The state had recently gone through a severe economic crisis, and the man in Montana who was not to some extent financially embarrassed was rare indeed. In order to win their votes for Clark, his satellites offered to ease the financial burdens of those in distress and threatened those who were not in trouble with ruin. It was hard for a man to refuse when the matter was put up to him that he was denying his family the comforts he might give them by voting for Clark—why not, Clark would make an excellent senator? It was harder to refuse when the question was put: Clark will certainly be elected, will you take your share of what is being divided among his friends?

One of the men who bravely withstood this temptation (we will not name here those who deserve to be forgotten for having failed in their trust) was Edward H. Cooney, representative from Cascade County, resident of Great Falls. He had been pledged by his constituents to vote for Conrad, he remembered his word and kept his honor untarnished. He told his friend, John R. Toole, of Deer Lodge County, how the agents of Clark had pursued him with several offers of twenty thousand dollars. To him Toole replied:

"If you took that money and were charged with the crime, and I sat in the jury, I would not vote to send you to the penitentiary. I realize the conditions that men are under here. Here is W—. His ranch is mortgaged; his children are barefooted; his wife has been sick in the hospital, and he has not been able to give her the necessaries of life. You can't blame men for taking fortunes under such circumstances—when this town is making a virtue of bribery. You might as well arrest a hungry boy for stealing a ripe apple hanging over the fence. But suppose you take the money; you will have no better appetite, you will sleep in no better bed. If you want my opinion about this thing, I'll tell you that if you take that money, in time to come it will be a canker at the heart of things. Twenty thousand dollars looks big at first, but it doesn't last long —not as long as the stain of the crime. All these men who are taking money to vote for Clark will pay a penalty for it; they may not serve time, but that is one form of punishment."[12]

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[10] Mr. Conrad had not been prominent heretofore in the political life of the State although he was one of the leading figures in banking circles. Born in Warren county, Virginia, 3 August 1848, he was brought to Montana in 1857. In early manhood he formed with his brother a freighting concern and found it a very profitable enterprise. He was the founder of the First National Bank of Fort Benton, later moved to Great Falls where it was known as the Northwestern National Bank. He founded the Conrad Trust and Savings Bank at Helena and was heavily interested in the Montana Life Insurance Company. Mr. Conrad sat in the Territorial Council of 1879 and was four times candidate for the United States Senate. He was a member of the Masonic fraternity.

[11] The four votes for Mr. Marshall were cast by Wyllis A. Hedges, William Lindsay, Tyler Worden, and Joseph R. McKay. To stand out thus against the pressure was an heroic act which brightens the record of Montana.

After Cooney had witnessed that terrible scene where a jeering gallery pointed at men and yelled their price at them, he said to Toole, "I am the happiest man you ever saw."

In spite of the moral turpitude involved in the election, Helena went wild with rejoicing on the announcement of the result. Quantities of champagne, rushed to Helena on telegraphic orders from the larger cities east and west, were consumed free of charge to the drinker. Clark's liquor bill for that evening was said to be thirty thousand dollars, more money than Clark ever contributed in any form to the public except in taxes. It is remarkable that his wealth was never turned to any philanthropic enterprise.

The result of the election would probably have passed unchallenged if Clark had not foolishly made the statement that the Whiteside money had come from Daly. Whiteside had produced before the Senate thirty thousand dollars in large bills which he said had been given him by the Clark forces to purchase votes. Hearing of this accusation, Daly resolved to carry the fight to Washington and force Clark to prove his statement.

Before this could be done, Fred Whiteside filed charges against John B. Wellcome in the Supreme Court of Montana which, if sustained, would lead to his disbarment as a practicing attorney in Montana. Wellcome had been Clark's chief agent in corrupting the Legislature.

The charges were filed on 5 May, 1899. During the summer attempts were made to bribe the associate justices of the Supreme Court, Hunt and Pigott, to render a favorable judgment in his behalf. Unthinkable as such a thing was, this statement is made on sworn testimony, not on local hearsay.

William Henry Hunt was a man of loyal stock and unimpeachable character. His father was secretary of the navy under President Garfield and minister to the Czar of Russia under President Arthur. William H. Hunt, Junior, was born in New Orleans, 5 November, 1857. Ill health prevented his graduation from Yale, but after his election to the Montana Supreme Court that university gave him an honorary Master's degree. He came to Montana under appointment as collector of customs for Montana and Idaho in 1877 and held that office for four years. In 1884 he sat in the second Constitutional Convention. From 1885 to 1887 he was attorney-general for the Territory. He represented Lewis and Clark and Jefferson counties in the last Territorial Legislature (spring 1889). Then for six years he served as judge of the First Judicial District of Lewis and Clark County. He was elected associate justice of the Montana Supreme Court and served from 7 January 1895, to 4 June, 1900. He was at that time in ill health and sought relief by accepting the secretaryship of the Territory of Porto Rico.

He was made governor of that province shortly after his arrival, and ruled that dusky beehive of population from August, 1901, to 4 July, 1904. The mild climate and perhaps the complete change of water and food, improved his health so that he could return to his beloved Montana where he had suffered in the cause of righteousness. In the northland he sat as federal district judge from 1904 to 1910. He was sent to Washington as an associate justice of the United States Court of Customs Appeals, and then was appointed associate justice of the ill-fated Commerce Court. Before his term expired and before that court was closed, Justice Hunt was transferred to the United States Circuit Court at San Francisco, a position which paid more than twice the salary of the Montana Supreme Court ($12,500). Here his seventieth birthday found him active in the service of his fellows.

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[12] Quoted from Connolly, "Story of Montana," *McClure's* 28:39.

The desperation of the Clark faction is at no point more clearly shown than in their attempt to suborn a man of this position and character. His family physician prostituted his relationship with Justice Hunt to offer in Wellcome's behalf the sum of a hundred thousand dollars for the quashing of the indictment. Needless to say, the offer was indignantly refused.

To Cornelius B. Nolan fell the duty of prosecuting the case against Wellcome. Nolan (1855-1922) was a native of County Limerick who immigrated in 1873, settling first in New York, then in Pennsylvania. After studying law both privately and in the Saint Louis Law School for three years, he was admitted to the Missouri bar. In 1896 he was elected attorney-general of Montana. He was later a law partner of Thomas J. Walsh. The Masonic fraternity honored Mr. Nolan by making him its grand master, and later conferring upon him the thirty-third degree. He was a member of several Masonic organizations.

Nolan was approached by the same physician, but was found to be incorruptible. Judge Brantly was approached through a Presbyterian minister but his reception was so cool that no bribe was attempted. Wellcome's case was already hopeless. His attorneys filed a plea of not guilty but he did not take the witness stand in his own defense, for that action would have rendered him liable to cross examination wherein he might be compelled to tell a great deal more than his employer cared to have on record. The testimony was unimpeachable against him and his disbarment followed.

This was the end of John Ball Wellcome's legal and public career in Montana. He retired to his farm home and devoted himself to the breeding of fine cattle. In addition to his seven thousand acres in Madison County and five thousand acres in Jefferson County, he had coffee and rubber interests in Mexico. He died suddenly 23 March, 1908, at the age of fifty years, having been born in New York State September 22, 1857.

The Unseating of Clark

The question of the legality of the election of Mr. Clark could not be passed upon until the Senate convened the following December. The Federal Constitution provides that each House of Congress is final judge of the credentials of its members.

On 4 December, 1899, Senator Thomas. H. Carter presented to the Senate the memorial prepared in Montana against the seating of Mr. Clark. It was referred to the committee on privileges and elections and ordered printed. It may be found complete in Senate Document 3 of the Fifty-sixth Congress, first session (United States Documents serial 3844). It was entitled "A Memorial of Citizens of Montana praying for an early and speedy investigation," and so forth, and charged that "the said William A. Clark did confederate and conspire with John B. Wellcome" and fourteen others specified, "to corrupt, bribe, and buy the members of said legislative assembly." After reciting at some length the details of the charge, including specific sums paid specified persons, it added as an appendix the synopsis of evidence before the Helena grand jury and the disbarment proceedings of Mr. Wellcome. The petition was signed by Robert B. Smith, governor; Timothy E. Collins, treasurer; Henry C. Stiff, speaker of the House; Thomas W. Poindexter, Junior, the state auditor; A. J. Campbell, the member of Congress; and Charles S. Hartman, the ex-representative to Congress.

The charges were referred to the committee on privileges and elections, headed by Senator William E. Chandler of New Hampshire. Hearings began 5 January, 1900, after the committee had surveyed the depositions of witnesses taken in the libel suit which Whiteside had prosecuted the preceding spring against the Butte *Miner,* a newspaper owned by Clark; and a transcript of the proceedings of the grand jury at Helena. For four months this committee tortured guilty Montanans who had participated in the debauchery of the Senate by forcing them, under pain of imprisonment, to narrate their own crimes.

On the tenth of April, this bipartisan committee voted unanimously to recommend to the Senate that Clark be denied his seat. But not until the twenty-third did the formal resolution come before the Senate: "Resolved that William A. Clark was not duly and legally elected to a seat in the Senate of the United States by the Legislature of Montana." The resolution was not acted upon for more than three weeks. Learning of this recommendation, Clark shrewdly determined to prevent his own expulsion by resigning before a vote could be taken. On Tuesday, May fifteenth, he announced to the Senate that he had under date of May 11th, mailed to the governor of Montana his resignation. By thus resigning, he made possible his reinstatement by appointment. In presenting this information to the Senate, Clark made a lengthy explanation which was printed *in extenso* in pages 5531 to 5536 of the Congressional Record, volume thirty-three, where it remains more of an injury than an aid to his reputation.

Governor Robert B. Smith, thinking the affair was closed, had allowed himself to be coaxed out of the state under the pretext of a friend that he wished the governor to examine certain legal titles for him. Lieutenant-Governor Spriggs had already gone to attend the Populist National Convention at Sioux Falls, North Dakota. Accordingly, Governor Smith left Senator Edwin Norris, an incorruptible and faithful public servant, in charge as his deputy until Spriggs or himself should return.

As soon as Smith had departed, Spriggs returned to Helena and telegraphed Clark an appointment *ad interim* as senator to fill the vacancy caused by the resignation.

When Governor Smith learned of this performance, he was highly indignant. He rushed back to Helena to correct his carelessness in leaving the state at this juncture. At Ogden, Utah, Smith told the reporters:

"This man Clark has been convicted by the United States Senate of perjury, bribery, and fraud, and it is an insult to the Senate to send him back to that body. It is a disgrace, a shame, and humiliation upon the people of Montana, and the Senate should adopt the resolution and show him that they do not want him there, as it seems he can take the hint in no other way. I wish to denounce in language as strong as I can command the contemptible proceedings taken to secure the resignation and appointment of W. A. Clark during my absence from the state. I went to examine the title of some mining property in California. Clark had repeatedly stated through the press that he would not resign under any circumstances, and believing this, and believing also that Lieutenant-Governor Spriggs was at Sioux Falls attending a national convention * * * " he did not think his absence from the state would cause any difficulty.[13]

On his return to Helena, the governor wired Clark that his appointment "tainted with collusion and fraud" was revoked. Then Smith appointed Martin Maginnis to fill the vacancy. The Senate did not accept either appointment and allowed the seat to remain vacant until after the next election. This scandal did more, perhaps, than any one other factor to bring about the constitutional amendment providing for the popular election of senators but that is a cynical comment on the corruptibility of American officials which will remain a standing disgrace.

This was not the end of Clark politically, however. On the sixteenth of January, 1901, the Legislature elected him to serve until 1907, Clark receiving fifty-seven votes against Thomas H. Carter's thirty-one. The Legislature had great difficulty agreeing upon the short term senator, and not until the seventh of March, the last day of the session, was Paris Gibson chosen, by vote of forty-seven to thirty-three, instead of Mr. Carter.

Gibson was a representative of the northern portion of the state. In May, 1882, he had laid out the townsite for Great Falls and had labored earnestly in behalf of that community, interesting James J. Hill in it and thus becoming influential in its further development. He was a native of Maine, college graduate and had been a member of the Maine Legislature. He sat in the Constitutional Convention of 1889 and in the State Senate in 1891 and 1893. His federal senatorial career ended March 3, 1905. His death occurred December 11, 1920.

This second election of William Andrews Clark was not allowed to pass without protest. In order to win supporters he had agreed with the miners and smeltermen that he would support certain measures which they were desirous of having the Legislature pass. These were: first, an eight hour working day for miners, mills, and smelters; second, a provision that the term "fellow servant" should be restricted in its meaning and permit action for damages for personal injuries caused by the negligence of co-employees, which was then prohibited by the Montana law; third, enactment of a company-store law which would permit employees to trade where they chose. These measures all failed of satisfactory passage and the miners felt certain that Clark had thrown his influence against them after agreeing to support them.

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[13] *McClure's*, 28:209.

Accordingly we find a memorial to the United States Senate from Henry R. Knapp of Helena "in his own behalf and as a member of the Labor Party of Montana" remonstrating that Clark had violated section 86 of the Penal Code (1895) of Montana by expenditures unlawfully made and in amount exceeding the lawful maximum to obtain this election. On 2 March, 1901, this was read in the Senate, laid on the table and ordered printed. This accusation of perfidy may be found as Senate Document 221 of the Fifty-sixth Congress second session (serial 4043). Evidently the Senate felt that Clark had cost them too much investigative effort already; perhaps, however, their failure to look into these charges was due to lack of pressure upon them. Daly had died shortly after Clark's previous investigation. At any rate Clark was allowed to serve out his term which ended 3 March, 1907.

Montana in the Spanish War

The title of this section is intended to remind its reader that wars declared by the federal government at Washington are fought by the people of Montana and those of her sister states. The Spanish-American war of 1898 was Montana's war, just as much as it was the war of any other one of these United States. It is a rightful part of Montana history, of the record of her people. This war took of Montana's wealth and manhood. It left its scars upon her.

The Causes of the Spanish War

Before slavery was abolished in the United States, Cuba was desired as an addition to slave territory. After slavery had been abolished, the prospect of annexing Cuba was still pleasant to our merchants, for Cuba had products which were desired, and the commercial policy of Spain was a handicap to American trade. In 1868, the Cuban people, a mixed race of Spanish, Indian and Negro blood, revolted against what they considered the oppressive rule of Spain. During the ten years this bloody disturbance lasted, it was easy for the people of America to sympathize with the islanders. The Cubans bought much military material from us. Then, too, American vessels which were violating international law by carrying arms to the revolutionists, and many American vessels who were not thus offending, were stopped and searched, and, sometimes, seized by Spanish vessels. Finally, Spain relaxed her economic control somewhat, and affairs in Cuba quieted.

For twenty years, trade between America and Cuba prospered. We bought sugar, tobacco, fruits, and other commodities from Cuba in great volume. Millions of American money was invested by our citizens in Cuban sugar plantations and refineries. Then came disaster. Not only did the tariff legislation of 1894, with its duty on sugar, hurt the Cuban-American sugar interests, but a revolt which broke out ruined their property. The only way out was American annexation or, at least, Cuban political freedom. Again, Cuba was the military gateway to our five gulf states. In the hands of an unfriendly power Cuba would become a serious menace.

Aside from the "hard-headed" reasons, the sympathy of the American people was easily aroused by their newspapers to the sufferings of the revolting Cubans, and their fellow Americans in Cuba. Then came the *Maine* incident.

The United States battleship *Maine* was sent to Cuba with full assent of the Spanish authorities, arriving in January, 1898. On the night of February fifteenth, the explosion of a submarine mine, which, in turn, detonated two of the ship's powder magazines, caused the destruction of the vessel in Havana harbor. The American people assumed that this was an act of hostility by Spain, but the guilt of the matter has never been fixed. It may have been accidental; or some Cuban revolutionist, thinking to secure American aid for Cuba, may have taken this method of stimulating intervention. It is practically certain that no official would have ordered so foolish a procedure, useless as well as criminal, unless he desired to aid the Cubans.

Outbreak of Hostilities

On April 19, the Congress resolved the freedom of Cuba, which was equivalent to a declaration of war. On May 1, Admiral Dewey sailed into Manila harbor, quickly defeated the Spanish ships there, and, soon after, silenced the forts. His work was done, for it required land forces to subjugate the Philippines. The Atlantic fleet commanded by Admiral Sampson, destroyed a division of the Spanish fleet under Cervera off Santiago de Cuba in July, and shortly thereafter American land forces under General Shafter captured that fortress. Soon thereafter peace was restored.

Montana's Contribution to the War

The expense of the war both in men and money, would have been much less if we had not attempted to subjugate the Philippines. The real difficulty lay there. The Filipinos declared war against the United States and fought bravely until 1901. Even then some of the leaders refused to submit and minor warfare lasted until 1906. In the four years from 1898 to 1901 the army and navy consumed nearly a billion dollars. Montana bore her share of this by subscribing to bond issues and bearing her share of the new taxes. Taxes on tobacco and fermented liquors were doubled; new taxes were laid on banks, brokers, theatres, bowling alleys and pool rooms; special documentary taxes were laid on various kinds of commercial paper such as deeds, checks, freight receipts and insurance policies. A new tax on inheritances was also laid. We paid Spain $20,000,000 for the Philippines.

Montana also bore her share of contribution of man power, for the army had to be increased from 25,000 to 280,000. A squadron of cavalry as furnished by this state, and a full regiment of infantry consisting of fifty officers and 1,019 men, under Col. Harry C. Kessler. A signal service corps served in the Philippines under

Lieut. George H. Tilly, and assisted in installing a police telegraph system in Manila after the hostilities in the field were passed. Many Montana boys lost their lives in the Philippines. Only two-thirds of them returned well and sound.

All wars since 1880 have affected Montana's copper industry. The Spanish war increased the value of her copper product 50 per cent over the preceding year. The European war caused the output of Montana copper in 1916 to increase 31 per cent over that of 1915. Increased output meant more employment for Montanans and more money in circulation. Although wars are unfortunate, their stimulus for one of Montana's greatest industries brought prosperity to her people.

GENERAL HARRY C. KESSLER

Montana Seeks Popular Election of Senators

So much trouble had been encountered by the legislatures in selecting United States senators that a sentiment had developed in Montana, as well as in some other states, favoring the popular election of these officials. As early as 1893, Montana had memorialized Congress, asking for this change. Since the request of 1893 brought no action, the petition was repeated in 1895, 1897, and 1899. Finally, the Congress passed an act providing for the amendment sought, and after a long and bitter struggle, the Seventeenth Amendment to the Federal Constitution was proclaimed May 31, 1913. Thus Montana led the way in an important federal reform.

The Campaign and Election of 1900

The senatorial contest left Montana in a turmoil. One of its results was the splitting of the Democratic party. Its convention was called to meet June twentieth at Butte. Upon their assembly the Clark men were found to be in a majority but the Daly men were in control of the offices, so that the former withdrew.

Then the Daly faction adopted a platform denouncing the action of Clark in corrupting the late legislature, in assailing the integrity of the Supreme Court and attempting to debauch the people of the entire commonwealth, as the colossal crime of the century. Spriggs' action in appointing him was called "a disgrace to the state, a shame to the American nation, and an insult to the senate."

The Clark faction of the Democratic party called the Washington investigation a persecution, denounced its investigators and applauded the state legislature who had voted for Clark. These Democrats united with the populists and elected their tickets by a good majority.

The candidates on the major tickets were:

	Fusionist	*Republican*
For Governor	Joseph Kemp Toole	David E. Folsom
Lieutenant Governor	Frank G. Higgins	A. J. Bennett
Secretary of State	George M. Hays	A. N. Yoder
Treasurer	A. H. Barrett	Frank J. Edwards
Auditor	J. H. Calderhead	C. C. Proctor
Attorney	James Donovan	T. J. Porter
Supt. Public Instruction	W. W. Welch	W. E. Harmon

The vote for President ran: for Bryan, 37,146; for McKinley, 25,373.

The vote for Governor ran: for Toole, 31,419; for Folsom, 22,691; for T. S. Hogan, on the Democratic ticket (Daly faction), 9,188; and for J. F. Fox, Social Democrat, 505.

The State Supreme Court of 1900

It is no easy task to lay the foundations of jurisprudence in a new country. The Montana Supreme Court of the early years of statehood found important and difficult tasks before it, notwithstanding the fact that it had a background of Territorial decisions as well as the adjudications of the sister states.

The Democratic Associate Justices were W. T. Pigott and G. R. Milburn. Justice Pigott had been elected in November, 1898, to hold office from the following New Year's day to January, 1903; and his colleague, Justice Milburn, was elected two years later for a six-year term. Chief Justice Theodore Brantly, elected in 1898 to succeed William Y. Pemberton, was the only Republican in the State Government in 1901.

Justice Brantly had had an interesting career leading to this honor. He was born and educated in Tennessee. He arrived in

Montana with the Bachelor of Laws diploma from Cumberland University in September, 1887. For several years he taught languages at the College of Montana, at Deer Lodge, then was elected in 1892, to the office of judge of the Third Judicial District. When his term of this office elapsed, he was a successful candidate for the office of Chief Justice. This position of distinction he honored with a faithful and wise performance until death intervened to deprive the state of his services. He died on the seventeenth of September, 1922, aged only one year more than the allotted three score and ten.

The Death of Daly

When the Anaconda Company had been merged into the greater corporation, its founder, Marcus Daly, died. Shortly after consummating the organization of the Amalgamated, having been warned of sudden attacks of heart trouble, Daly laid aside the cares of business and went to the baths of Nauheim, Bavaria, hoping to recover his health. As death crept upon him, he returned to New York City, about the middle of September, 1900, and went to his palatial suite in the Hotel Netherlands. Here he lingered until eight o'clock of the morning of November twelfth when he died, at the age of sixty years, surrounded by his family, his friends, and his spiritual advisers.

Daly's estate, estimated as approximately ten millions by those who knew best, passed to his wife, neè Margaret Evans, his daughters Margaret, Mary, and Harriet, and one son Marcus, Junior, who was at the time attending a preparatory school. The great miner also left a brother Patrick, who was with him when he died. A sister, Mrs. Michael O'Farrell, had died at Anaconda about two years before.

Daly died triumphant. He had lived to see his great copper mine thoroughly developed; his enemy, William A. Clark, defeated and disgraced;[14] and his great 18,000-acre ranch in the beautiful Bitter Root valley stocked with the finest horses money could buy. Some of the animals were said to have cost him as much as $50,000. In the poverty of his youth he had looked upon such a homestead as the height of mortal happiness and that which he sought was accomplished.

A magnificent funeral was held over the body in Saint Patrick's Cathedral. Bishop Brondel came from Montana to celebrate the solemn requiem mass and the beautiful music of Cherubini was sung. His partners, James B. Haggin and Henry Rogers, his faithful lawyer, William Scallon, and business associates John W. Mackay, Homer B. Parsons, John A. Sullivan, ex-mayor Hugh J. Grant, and W. L. Bull deposited the remains of Marcus Daly in the receiving vault of Calvary cemetery.

The miners of Butte mourned the passing of their friend. No wage dispute had ever brought about a strike of his employees. Many young professional men of Butte owed their start to him. He provided generously for the families of miners injured or killed; and it was said to be his invariable custom to present the widows with beautiful homes and a sum sufficient to start them in some kind of business. This was long before the days of the Workmen's Compensation Act which now awards an indemnity to the family of every victim of industrial accident in Montana. What the law now requires, Marcus Daly did from a sense of justice and sympathy.

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[14] This was something of a family quarrel for one of Daly's sisters was the wife of Clark's brother.

The ensuing Legislature sought to give permanent honor to the copper magnate by changing the name of Deer Lodge County, where he had a magnificent estate of 18,000 acres, to Daly, and to make Anaconda the county seat. It is unfortunate that the Legislature did not see fit to give the name Daly to one of the new counties, for the Constitution provided that "the legislative assembly shall not pass local or special laws * * * changing the names of persons or places * * *." Hence, the Supreme Court refused to allow the change. The error was corrected by the Legislature of 1903 which extended and defined the boundaries of Deer Lodge County to include some territory which was once in Silver Bow County, and thereby abolishing the name of Daly County.[15]

The passing of Daly necessitated the election of new officials to the various offices which he vacated. William Scallon was elected president of the Anaconda Copper Mining Company.[16] On 3 June, 1901, William G. Rockefeller took his place in the Amalgamated board of directors and at a later meeting Henry Huddleson Rogers was made president. When Daly went to Europe shortly after the merger, affairs were left in Rogers' hands as acting president so that by the time of Daly's death he was thoroughly familiar with the requirements of the position.[17]

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[15] Act of 8 March 1901; Section 26, Article V Constitution; 25 Montana 241; Chapter 62, Session 1903.

[16] Engineering and Mining Journal, 70:710.

[17] *Ibid.* 71:732.

CHAPTER XV

THE DEVELOPMENT OF THE LUMBERING AND AGRICULTURAL INDUSTRIES

It is an axiom of sociology that no great civilization can be built on inadequate natural resources. The barren wastes of the Polar regions have never produced a mighty people, and the enervating heat, with the fever-haunted jungles of the Equatorial zone has never seen within that area the rise of a powerful civilization. All the great nations have arisen within the north temperate zone, and within territories blest with fertile soil, or bountiful forests, or abundant minerals,—usually with a combination of these riches.

The materials needed for the support of man must be obtained with relative ease, so that the labor of obtaining them will not absorb too much of society's energies. The society as a whole must have a margin of subsistence over its consumption in order that it may set apart thinkers and governors to rule the people wisely, if it is to increase and improve its civilization.

Montana was singularly blest by God in the distribution of natural wealth. Her mountains bore a wealth of variety of minerals,—those which men call precious, and these which men call useful. The sides of these mountains were covered with timber, most useful to man of all the natural products. The lush-vegetation of the intervening valleys testified to the quality of the soil. And to the east of the mountainous country the grassy plains fed thousands of animals useful to man in flesh and hide.

This chapter is devoted to a consideration of the vegetable, rather than the mineral or animal resources of Montana. Out of these vegetable resources have developed two great industries,—lumbering and agriculture. Unlike mining, the development of these industries does not exhaust the resources as it proceeds.

Lumbering

The mighty evergreen forests of Montana have been throughout her history, both savage and civilized, a source of wealth to the men living in this region. The Indian hacked boughs to form rude shelters, but, lacking tools, he could not make use of the timber to any large degree. The furbearing animals of the wooded regions were to him more of an asset than the trees themselves.

With the earliest coming of the white settlers this was changed. Civilization has built its shelters of wood and stone for five thousand years and even in this age of steel, wood is still the most valuable of natural products. So the Jesuit missionaries at Saint Mary's Mission in the forties, weary of the axe and adze, made a rude saw mill, using wagon tires worked into a circular saw. This plant they operated by water power, previously harnessed to run a flour mill.

The beginnings of mining twenty years later made new demands upon the forest. Not only had housing to be provided, but sluiceways for washing the gravel made strong demands. Logs were laboriously hollowed out with adzes or sawed by hand into planking. The early miners paid as high as twenty-five cents a foot for planks with which to construct their cradles and sluices.

From these humble beginnings the lumbering industry has grown until the Anaconda Copper Mining Company alone consumes annually some twenty million feet of timber in its mines for new work and replacements. This amount of lumber would be sufficient to build two thousand dwellings. After the railroads began to be built, a new demand on timber supply for ties, bridges, tunnels, culverts and buildings arose. Thus another industry was brought to Montana.

LOG TRAIN

A. M. Holter is credited with establishing the first modern lumber mill in Montana in 1863 on the bank of the Passamari, or Ruby River, in what is now Madison County. He purchased a second hand mill in Denver and had it hauled over the long thousand mile journey by an ox team. It was a tremendous undertaking, for a great many obstacles had to be overcome in this trip. The party experienced a hold-up by George Ives, that notorious bandit. At another time the machinery had to be transferred to a hand sled when crossing snow covered mountain grades. The mill was a very primitive one, being operated by a sixteen-foot over-shot water wheel. The blacksmith bellows were made out of old army coats, shafting was fashioned from iron wagon axles and belting from untanned ox hides. Nevertheless the mill worked and in the first year sawed five thousand feet of lumber. Previously the lumbering had been done by "whipsawing" with hand tools. The mill was a vast improvement over that method. Thus was laid the foundation of Montana's great lumber industry and the honor of laying the first stone in this foundation belongs to A. M. Holter, who was likewise the first successful lumberman of the Treasure State.

About thirteen million acres of the mountain land in Montana was covered with heavy forests in 1879. These forests contained three distinct varieties of pine familiarly known as "yellow," "black," and "bull." Cottonwood, water ash, willow and box-elder grew in the lower valleys and along the streams. These softwood trees made an approximate addition of one million acres to the timber land of Montana. While Montana could not boast of such wonders of the forests as California or other Pacific Coast sections, she possesses extensive forests of moderately large trees which produce excellent lumber.

In 1879 there were forty-two saw mills in Montana, turning out about six million feet of lumber annually. The largest market for lumber at this time was confined to mining camps and towns and depended on the mining industry for prosperity. Three or four of the larger towns had extensive planing mills, sash and blind factories. Helena had three such mills. One firm located at Helena, having four saw-mills within eighteen miles of the city, cut nearly thirty thousand feet of lumber daily.

The average retail prices for lumber in Montana in 1879 was: rough lumber, $20 to $25 per thousand feet; dressed and matched flooring, $40 to $45; dressed finishing lumber, $40; lath, $7; shingles, $4.50; good four panel doors from $3.50 to $5.00 each, according to size and finish; common sash, glazed and primed, $3.00 to $4.50 each; blinds $3.00 to $4.50. Wholesale prices were from eight to ten per cent less. Wages in Missoula County were: choppers, $1.00 per thousand feet for felling the trees and cutting them into suitable lengths, realizing about $3.00 a day; haulers, $3.00 per thousand feet for delivering the logs to the mills; sawyers $50.00 per month and board. At the planing mills, journeymen received $4.00 per day, and foremen $5.00 per day.

In 1890 the production of lumber increased to one hundred and thirty million feet. The poorest grade of this lumber sold for fourteen dollars per thousand feet and the best for forty dollars per thousand feet. Estimating the value of this lumber at twenty dollars a thousand feet the lumber cut in 1890 would be worth twenty-six million dollars or nearly as much as the gold and silver output for the same year.

The number of saw and shingle mills in Montana increased from forty-two in 1879 to over one hundred in 1890. Many of these mills were small and portable. Ten had a capacity of fifty thousand feet and seven had a capacity of twenty-five thousand feet daily. The shingle mill of Bascom and Company at Noxon cut one thousand shingles per day and eleven others cut from twelve thousand to twenty-five thousand a day. The largest mill at this time was that of the Blackfoot Milling and Manufacturing Company at Bonner. Its capacity was two hundred and forty thousand feet a day and during the year 1890, it sawed thirty-two million feet of lumber.

The Bitter Root Valley contained over twenty saw mills in 1891, having a daily capacity of from ten thousand to two hundred and forty thousand feet. Numerous small mills along the Great Northern Railway were taxed to their capacity in supplying railroad timbers. There were six sash and door factories, thirteen wholesale and twenty-eight retail lumber yards in the valley. The miners were the largest consumers of lumber. Retail prices in 1891 were: rough lumber, fifteen to twenty dollars per thousand feet; dressed and matched flooring, twenty to forty dollars; and dressed finishing lumber, thirty to forty dollars.

In 1901 considerable unfavorable publicity for the industry arose from certain frauds practiced regarding timber land entries. Under the law, any citizen might purchase a quarter section, that is one hundred and sixty acres, at $2.50 per acres, after making affidavit that he was not taking the land for speculation and had not arranged to sell the tract to a second party. It was charged that agents of a certain large proprietor had induced persons to take up timber land and transfer the same unlawfully, paying each locator one hundred dollars above his expenses. The Federal Government brought suit to recover the land and indicted one hundred and two persons for perjury.

The report of the Commissioner J. A. Ferguson of the Board of Labor, Agriculture and Industry for 1905, showed Flathead County in the lead for lumber production. Flathead County produced 45.75 per cent of the total lumber produced in the state of Montana in 1905. In the same year Missoula County produced 38.52 per cent and Ravalli County 13.44 per cent of the total production. These three counties produced 95.69 per cent of all the lumber produced in the State.

Statistics show that during the twenty-four-year period of 1870 to 1914 approximately 6,610,925 thousand feet of lumber were produced in Montana, the production increasing from 12,571 thousand feet in 1870 to 351,403 thousand feet in 1914.

In spite of the heavy cutting for more than sixty years, in 1928 the forests of Montana still formed one of the State's greatest natural resources. Of the total area of ninety-four million acres, more than twenty million were classified as forest lands. Of these twenty million acres, over eight million bore timber of commercial size and quality; more than seven million acres were cut-over, burned or young growth, and almost five million were classed as protection or scrub forest situated either on the poorer sites at lower elevations or inaccessible at the higher altitudes.

In this same year, 1928, among the manufacturing industries of Montana, lumbering ranked first in the total value of finished products, and second in the number of persons employed. This industry employed almost seven thousand persons and had an annual payroll of over $8,500,000.

Probably few persons have realized the important part that the forests have played in the industrial life and general welfare of the people. In various parts of the State whole communities have been dependent upon lumbering for their prosperity and even existence. Even those people who have lived in portions of the State which were not forested, were able to save on the cost of freight by being able to secure lumber in their own State, and thus were indirectly benefited by the lumbering industry. Not only the people residing within the State, but also those living in the Missouri River Valley and even those in the Mississippi Valley have benefited indirectly by these vast forests which have been an important factor in equalizing the stream flow, thus tending to prevent floods and erosions. The deforestation of the Ohio Valley and of other valleys has given us this information at a very dear price.

TYPICAL FOREST SCENE

Montana had a total stand of about fifty billion board feet, in 1928. Of this about seventy-five per cent, or 37,492 million board feet were found in nine western counties of the State. Of this timber about twenty per cent was western yellow pine, about forty per cent western larch and Douglas fir, the remainder largely lodgepole pine, Idaho white pine, cedar, hemlock, white and alpine fir, and spruce.

In many of the older states due to excessive lumbering, or cutting of timber faster than it could be replaced by growth and often making no attempt to replace it, whole forest areas were practically exhausted and this compelled a migration or abandonment of the lumbering industry. As a result many towns and communities and much land were practically deserted, causing serious economic losses to those states. But this has not been so in Montana. In 1928, the average annual cut was estimated at about 341,555,000 board feet, while the total of all forest products brought it up to about 480,240,000 board feet. Although there were no accurate figures as to the amount of timber the forests could produce annually on a sustained yield basis, it was considered that with the thought and effort that was being put into protection and management, they should be able to continue to produce at the rate of cutting of that time or approximately five hundred million feet a year or at the rate of about thirty-five board feet per acre a year.

Although in 1928 Montana ranked only twenty-fifth among the states of the Union in the value of lumber output, the estimated value of her average annual cut, including value added by manufacturing, was $14,350,000 and as we noted before it was thought that it could continue at that rate indefinitely without exhausting the supply. Of this value, $4,650,000 was the original value of the lumber, while $9,700,000 was added by manufacturing, which represented money spent for equipment, labor, taxes, logs, stumpage and profit. It is interesting to note that whereas private individuals and companies controlled only about twenty-seven per cent of all the lumber in the State, yet sixty-four per cent of all the forest products each year came from these private holdings. The balance, or thirty-six per cent came from State land forests, national forests and other federal lands, mainly Indian reservations. Of the timber lands in the State, four per cent was owned by the State, while sixty-nine per cent was in different Federal holdings as national forests, parks, Indian reservations, et cetera, and as noted before, twenty-seven per cent in private holdings.

According to the report of the Department of Agriculture, Labor and Industry in 1928, of the 386,445,000 feet of forest products which were annually consumed within her borders, Montana produced over eighty-five per cent. Of the balance about thirteen per cent, or 54,475,000 feet, were imported from Washington and Idaho, while about 2,240,000 feet, mainly hard woods, were imported from the southern and lake states. The mines in mine timbers alone annually consumed approximately eighty-nine million feet, of which the chief consumer was Butte, the largest copper-mining city of the world.

Although so much lumber was consumed at home, Montana exported fifty-seven of her lumber produced, (excepting sawed ties and mine timbers). Total exports of all forest products amounted to 184,950,000 feet annually. Lumber formed one of the very large factors in the freight transportation business of the railroads, amounting to over five million dollars annually and balancing a considerable portion of the State's bills for goods imported.

According to the census of 1920, there were in the State two hundred and forty-six mills and of these one hundred and fifty were active. The total amount of capital invested in the lumbering industries was fifty million dollars. One half of this, or twenty-five million dollars, was invested in manufacturing plants, lumber yards, et cetera, while an equal amount was invested in private timber lands and stumpage. The lumber industry contributed almost three-fourths of a million dollars annually in taxes, city, county and state. It employed about sixty-seven hundred men and its annual payroll amounted to over eight and one-half million dollars.

Montana State Forests

Of the twenty million acres of timber land in the Treasure State in 1928, the State owned four per cent or more than half a million acres. These state forest lands were divided into seven state forests and many isolated state forest sections scattered throughout the State:

Stillwater State Forest	90,000 acres
Swan River State Forest	42,000 acres
Coal Creek State Forest	20,000 acres
Sula State Forest	10,000 acres
Thompson River State Forest	14,628 acres
Clearwater State Forest	18,076 acres
Lincoln State Forest	8,245 acres
Total of Established State Forests	203,949 acres
Forest sections scattered throughout the State	363,000 acres
Total of State Forest Lands	566,949 acres

Originally the State forest lands were widely scattered, but the policy was adopted to consolidate holdings by sale or exchange of State forest sections for forest areas contiguous or adjacent to any of the above named seven forests. As a natural and necessary result of the State's adoption of the policy of State forest ownership, has come constructive legislation for the use, management, control and disposition of the State forests. A substantial foundation for State forest management was provided by the act of the legislature of March 17, 1925. State lands that had been classified as forest lands and "which are principally valuable for the timber that is on them, or for growing of timber, or for water shed protection, are designated as State forests, and reserved for forest production."

These State forest lands were not for sale but the State realized some income from the sale of forest products, chiefly timber and forage. In 1928, sixty-eight permittees, whose chief business was grazing, were served by the State forests. In the same year timber sales from these lands amounted to over eighty-seven million feet. The receipts of sales from these forest lands went entirely to the funds of common schools and other educational institutions of the State. The timber sale receipts alone from the State forest lands aggregated over one million dollars in the period from 1891 to 1925. By 1928 the seven State forests were self-supporting and comprised some of the most natural, as well as accessible, recreational centers in the State.

Agriculture

When Europeans first came to America, they found its inhabitants for the most part in what has been called the hunting stage of civilization. Only a few exceptions north of the Rio Grande were found and these were in the extreme Southwest and Northeast. The Northeastern Indian squaw sometimes made a little hole in the soil, dropped in a few grains of corn and a fish for fertilizer; then awaited the processes of nature without further interference until the grain was ripened. In the Southwest, a simple agriculture accompanied by irrigation was practiced. The Montana tribes were totally ignorant of agriculture, depending for their vegetable foods upon berries and roots.

Earliest Beginnings of Agriculture in Montana

To Father De Smet, a Catholic missionary to the Indians, goes the honor of being Montana's first husbandman. As early as 1845 he planted a patch of ground to grain and vegetables at Saint Mary's Mission in the Bitter Root Valley, near the present town of Stevensville. The Indians watched with child-like wonder the sprouting, growth and ripening of this crop which was the first they had ever seen. Father De Smet's purpose in planting these grains and vegetables was two-fold: first, to help supply the mission with food; second, to instruct the Indians in agriculture.

In the early fifties white men, realizing the fertility of the soil and the beauty of the country, began to make settlements in the Bitter Root Valley.

The first homestead entry in Montana, however, was made by David D. Carpenter on an application of the Helena land office, filed August 1, 1868. Patent was issued February 10, 1871 for 150.55 acres. Part of this tract is now embraced in the grounds of the Lewis and Clark County Hospital.

Agriculture Stimulated by Mining

Discovery of gold in Alder Gulch in 1863 precipitated an influx of large numbers of miners during the sixties. This new demand for food stimulated agricultural settlements so that by 1870 there were two thousand farmers on 851 farms in the territory, containing 139,537 acres, of which 84,674 acres were reported improved. The earliest estimate on agricultural production which is available was made by the United States Surveyor General for the year 1869. In this report we find the following: wheat, $900,000; oats and barley, $500,000; potatoes, $1,000,000; hay, $200,000; vegetables, $75,000; poultry and eggs, $100,000; dairy products, $400,000; total, $3,175,000. In fact Montana was self-supporting by 1870 except for such luxuries as sugar, tea and coffee. However, it is interesting to note that at this time only one-tenth of one per cent of the State's total area was devoted to agriculture.

Distribution of Farms

At this time, 1870, the farms of the territory were located in a few districts scattered throughout the western half of the territory, most of which were in the vicinity of mining camps which furnished the chief market for their produce. One of these districts was in the Bitter Root Valley, one near Missoula, another near Madison, and still another near the Beaverhead County mining camp. The fertility of the Prickly Pear Valley, near Helena, and of the Sun River Valley, near Fort Shaw had been discovered and these valleys had been occupied. In Chouteau County there were four farms near Fort Benton, but in Custer County, which at that time comprised the entire eastern half of the territory, there was one lone farmer, who had settled in the shadow of Fort Peck where the Poplar River empties into the Missouri. The agricultural possibilities of the Gallatin Valley were appreciated by 1870 and that county led in the number of farms, 178, as well as in the total value of all farm products. In Jefferson County there were 141 farms, in Lewis and Clark 106, in Deer Lodge 105, and in Madison 102. Deer Lodge County boasted the most improved acreage, with Lewis and Clark and Meagher counties claiming second and third places, respectively. Lewis and Clark ranked first in the cash value of farms, followed by Deer Lodge and Gallatin counties. Of the total of wheat and oats produced in the territory in 1870, Gallatin raised nearly one-half. That county had three flour mills, while Missoula likewise had three and Madison had one.

During the next ten years the numbers of ranches in the territory more than doubled, the principal increases being in Madison, Missoula, Custer, Chouteau, Meagher and Lewis and Clark counties. The Fort Peck farmer abandoned operations and there were three less farms in Gallatin County in 1880 than there were in 1870. Agriculture underwent a pronounced decline in Jefferson County. The Meagher expansion was in the Judith Basin, while the expansion in Custer County was along the Yellowstone River. The production of ranch butter declined, possibly because of the wane of the mining districts and the growth of transportation facilities. Wheat, which was the chief crop in 1870, was superseded by oats in 1880, the large number of horses and mules used by the stage lines and military posts affording a strong market for grain.

Raising of Livestock

Although the ranches in the territory produced crops sufficient for the sparse population, they were chiefly devoted to the raising of live stock. The reports of the territorial governors and of the United States surveyors general emphasized the agricultural possibilities of the territory when a market should be opened to the ranchers by the building of railroads through the territory. Due to the lack of an outlet for crop production, farming remained at a stand still. Stock raising, however, developed.

In 1880 the hope for rail transportation was realized in the completion of the Utah Northern, running from Ogden, Utah, to Garrison, Montana, a town about seventy-five miles east of Missoula. This gave stock raising a great impetus in the western half of the territory. The year 1883 saw the completion of the Northern Pacfic providing a market for the eastern half of the territory. Prior to this time stock raising was a hazardous undertaking because of the marauding Indians, but after the coming of the railroad this industry was greatly developed in this section.

In the decade from 1880 to 1890 rural settlements spread out along the Yellowstone as far as Glendive, through the Big Horn and Powder River regions in two districts of the Milk River Valley, and in the Flathead country around Kalispell.

Opening of Land in Indian Reservations to Settlement

One important factor in the development of the eastern part of the territory at this time was the opening to settlement of approximately twenty million acres which had heretofore been included in the large Indian reservations. This tract of land, which was only a little less than one-fourth of the total area of Montana, was added to the public domain. The stock men were quick to seize this opportunity and these ranges were soon stocked with cattle and later with sheep. At this time also, being a period of inflation, eastern and foreign capital was lavishly invested in these range herds. Big cattle companies sprang up which acquired the bottom lands along the rivers and streams. These cattle companies profited much by having their members, relatives and friends of members, and riders take up land under the desert land act, which was passed in 1877. Under this act, any one who was a citizen of the United States, or a declarant, might take up a

BLOODED CATTLE RANCH, TOWNSEND

section, if it were irrigated by the claimant within three years. These friends, riders, and other employees would file on land, the cattle company would put the water on the land for them, they would prove up, receive the patent and then transfer the tract to the company. This, of course, defeated the purpose of the desert land act whose aim was to aid individual citizens and to settle the country.

In the first four years after the passage of this act, there were 370 desert claim filings made in the territory of Montana, covering 122,461 acres. In the same period, there were 608 homestead entries, but covering only 93,671 acres.

The number of farms in Montana rapidly increased from 851 in 1870, to 1,519 in 1880, to 5,603 in 1890, to 13,370 in 1909, and to about 48,000 in 1928. In 1890 two-fifth of the 915,517 acres of improved farm land was irrigated, while in 1900 more than one-half of the 1,736,701 acres of improved farm land in Montana was irrigated. At that time there was very little farming done east of Yellowstone County, except for a narrow strip in the lower Yellowstone Valley. In Northern Montana, there was practically no farming except in the Milk River Valley.

A SNUG COTTAGE IN THE WHEAT COUNTRY

But in the decade following 1900, courageous and optimistic men began farming the non-irrigated table lands back of the main valleys. By 1910, a little less than one-half of the 3,640,309 acres of improved farm lands then in the State were irrigated. By 1920, 37.5 per cent of the State's total area was devoted to farms as compared to one-tenth of one per cent in 1870. And the percentage of irrigated lands had dropped to only 15 per cent of the improved farm lands in the State, which by this time had increased to 11,007,278 acres.

The development of agriculture in the State may be traced by the homestead filings. The effect of the coming of the railroads is clearly shown by the increased number of filings on homesteads after each railroad was built into or through the State. It is interesting to note, however, that the land filed upon was not restricted to lands adjacent to railroads. In 1910 the number of filings reached the pinnacle, 21,982 filings being recorded, covering 4,732,806 acres. For the succeeding seven years, the filings continued to be very large, but beginning in 1918, there came a marked decrease. Part of this is due to the fact that the more fertile and accessible lands had already been taken.

Nearly all of the total acreage filed upon in the State for agricultural purposes, has been taken up under the general homestead laws, and but little under the desert land act and the stock raising homestead act.

By 1900 Montana's later chief agricultural product, wheat, was in the beginning of its greater development. The seventy-two thousand acres then produced a million dollars worth of wheat. Oats were also being raised in large quantities and equalled the wheat product in value.

Legislation Applying to Agriculture

The great importance of agriculture began to be reflected in legislation for the promotion and regulation of the industry. One of the first things to be done when the State was organized was the authorization of a Bureau of Agriculture, Labor and Industry. In 1903 a State Fair was authorized and annual appropriations were made thereafter for its support. A board of directors, serving without salary, was charged with its promotion. A plot of ground was bought about two miles northwest of Helena and buildings were erected to house the exhibits.

Irrigation, to be discussed in another section of this History, has already been aided by legislation.

In 1911, a state horticulturist was authorized and a Board of Poultry Husbandry organized to promote a rapidly growing industry. The next Legislature, anxious to assist agriculture in every way possible, passed a number of measures designed for that end. A seed law, intended to provide the farmers with clean seed, was enacted. The State Dairy Commissioner was authorized to inspect dairies and to promote that industry in other ways. The Bureau of Agriculture, Labor and Industry was divided into the Department of Labor and Industry and the Department of Agriculture and Publicity.

By 1914, wheat had outranked hay as the most valuable crop of the State. Production of the various grains and other farm products showed an interesting increase over previous years. Approximate crop values were:

	1884	1894	1904	1914
Hay	$1,950,000	$3,188,000	$5,829,000	$18,053,000
Wheat	960,000	600,000	2,311,000	24,407,000
Oats	609,000	832,000	2,899,000	7,234,000
Barley	44,000	46,000	324,000	1,132,000
Potatoes	162,000	276,000	1,148,000	2,957,000

During the thirty years covered by the table above the buying power of money varied little. The bushel of wheat in 1884 sold for seventy cents, in 1894 for fifty-four cents, in 1904 for eighty-nine cents. In the next decade, the purchasing power of money declined rapidly owing to the vast increase of gold shipped into the United States to pay for supplies furnished Europe, so that such a comparison as the above could not properly be used to indicate an increase in production.

The yield of wheat in 1914 was not as good when measured by the yield per acre as in the preceding years. In 1897, Montana averaged thirty-two bushels to the acre, and ten years later 28.8 bushels per acre. But in 1914, there were 1,400,000 acres more planted to wheat than seven years previous showing that poorer land was being used, and the yield of 1914 was only 16.8 bushels per acre. This drop was compensated by a price increase of twenty-five cents over the 1913 price, but many communities, owing to the unfortunate local conditions, did not have wheat to sell at this advantageous figure.

THRESHING WHEAT

The Legislature of 1915 authorized county commissioners to borrow money and buy seed for distribution to those who were unable to buy it, taking their interest-bearing notes as first lien upon the crop. But, since this law authorized them to borrow in excess of ten thousand dollars without the approval of the electors, it was declared unconstitutional. In 1918 a new law was passed to correct this oversight. Under this legislation, after a total or partial failure of a crop, one hundred freeholders might petition the county commissioners to purchase seed grains and supply the farmers who needed it. The commissioners might purchase seeds up to ten thousand dollars' worth without reference of the question to the voters, but if more were needed, then the question had to go to the polls before the commissioners could exceed that limit. The commissioners were allowed to issue bonds to refund the warrants which they issued to pay for their purchases, if that step were necessary. When applications were made to the county clerk under this law, the applicant was required to swear that he could not buy seed and would use the seed obtained from the county only for planting,—that is, he would not sell it to a third party. He was required to describe his property and its encumbrances. The dole was limited to 150 bushels to each applicant. Interest upon this loan was at seven per cent (which was and is one per cent less than was required for commercial loans secured by first mortgage), and the loan was secured by a lien upon all his property, including the grain grown upon it. The payment was due October first, and if not paid then was levied as a tax upon the property both real and personal of the mortgagor. Delinquent taxes bore a much higher rate of interest, to wit, twelve per cent, and carried also a penalty of five per cent of the taxes.

The extra session of Legislature called in the summer of 1919 passed an ancillary measure, known as "Drought Relief." Under this law, a man might receive seed grain, provisions for himself and family, and feed for his livestock, if, by reason of drought, hail, or other unfavorable climatic conditions he had been brought to poverty. Relief was limited to $1,000, and the aid was acknowledged by a six per cent note. If the county commissioners thought that the applicant could pay his obligations out of the next crop he was required to apply under the seed-loan act. The drought relief measure was intended for the financially destitute only. The reader will observe that if a farmer had not previously mortgaged his property for all that it would carry, he was forced to take a seed-loan at a higher rate of interest.

In the sessions of 1917, 1918, and 1921 the Legislature worked out a state hail insurance act. A board was created to administer the law. This board was required to establish rates in various parts of the state based upon the probabilities of loss. The farmer-taxpayer was required to signify his desire to enter this plan, just as he would in a commercial insurance proposition. The state board then estimated the probable amount necessary to pay all losses and to spread that amount over those who wished to insure. It was allowed to build a reserve fund of not more than one million by levying on premiums more than the losses required. It was provided that the grain acres should not be taxed more than $1.20, and the hay-producing acres not more than 50 cents. The amount of loss was appraised by a local board of three men, and the total claim was limited to $12 an acre for grain and $5 for hay.

The Legislature of 1921 completely revised the previous laws affecting the promotion and regulation of agriculture. In order to do this it abolished the State Board of Horticulture and the office of state horticulturist, the Board of Directors of the State Fair, the Board of Dairy Commission Examiners, the short-lived Department of Labor and Industry, and Agriculture and Publicity, the State Dairy Commission, the Grain Grading Inspection and Warehousing Commission, which had only been put in operation two years before, and the State Board of Poultry Husbandry.

The function of these multifarious boards and commissions were consolidated under a Department of Agriculture, Labor and Industry whose commissioner, as the head official was entitled, was appointed by the governor with a salary of five thousand dollars a year. This department was divided into four divisions, namely, (1) Farming and Dairying, (2) Grain Standards and Marketing,

(3) Horticulture, (4) Labor and Publicity. The change not only eliminated overlapping functions, but also reduced expense and rendered a larger service to the people of the state and those who were desirous of information concerning the opportunities of the state. The state fair was promoted thereafter by the fourth department.

The fair brought its own peculiar problems. There were always members in the various legislatures who wanted to move the fair from Helena to some other portion of the state. Billings and Missoula both operated regional fairs competing with the state fair. The matter of gambling in connection with the horse racing was a much argued question. There were those who thought it morally wrong to gamble and were anxious to see the laws concerning gambling strictly enforced. These would have been willing to sacrifice the state fair if need be, but argued that fairs could be held without gambling. On the other hand there were those who believed sincerely that people would not come to the state fair in sufficient numbers if gambling were abated, and looked upon gambling on the horse races as the lesser evil. In order to come under the terms of the law the parimutuel system was adopted in 1926.

A PRODUCTIVE VALLEY

The dry years of 1919 and 1920 left their mark in legislation authorizing the county commissioners to expend public funds for the extermination or control of gophers, grasshoppers, cut worms, army worms and chinch bugs. The grasshoppers were not an unmixed evil, for that pest led to the raising of turkeys, a bird which devoured grasshoppers in great numbers, practically exterminating the pest. The turkeys themselves formed an important subsidiary revenue, their value in 1927 being about a half million dollars.

The poultry industry, aside from the turkeys, was of longer standing. The increasing cost of meat gave it an advantage and the steady demand for eggs made it a profitable venture as a subsidiary to other farming operations. In 1927 the estimated sales of chickens and eggs amounted to more than three million dollars. Many beautiful varieties of purebred birds were exhibited annually throughout the state in the fairs.

The years following the European war showed new foodstuffs being raised in Montana. In order to have "an anchor to windward" in case a crop of wheat or oats failed, the farmers enlarged the variety of their products as the following table will indicate. Note particularly the 200 per cent increase in barley, the 400 per cent increase in corn, and 600 per cent increase in rye.

(Production in Thousand Bushels)

	1914	1918	1922	1927
Wheat	26,821	33,365	52,714	79,702
Oats	18,550	20,400	21,120	23,840
Barley	2,135	1,914	2,300	6,435
Corn	1,400	2,100	5,540	7,168
Rye	320	648	3,360	2,412

Sunflowers were being grown in some sections as a silage crop as well as for their seeds.

Sugar Beet Growing

While the raising of sugar beets is properly included under agriculture, the value added by the manufacture into a finished product and the close commercial relationship existing between the manufacture and the grower suggest the advisability of a separate treatment.

The industry was introduced into Montana in 1906 by the building of a refinery at Billings. This plant was owned by the Great Western Sugar Company, an organization which gave the farmers much assistance in getting started to produce the beets. From small beginnings, the acreage devoted to sugar beets was increased until the production amounted to 346,000 tons in 1927. Two years earlier the Utah-Idaho Sugar Company built a million dollar refinery at Missoula.

The milling process removed only the juice from the beets. The remaining pulp made a valuable feed for fattening sheep, hogs and cattle. A considerable amount of Mexican labor was introduced to perform the hand tasks necessary to setting out the young plants and keeping them free from weeds.

Farming Methods

The early settlers, let us say up to 1890, farmed very largely as they had farmed in Missouri, Iowa, Michigan and other Eastern states from which they had come. They fed their families and the nearby townspeople, but they had no means of sending their product very far, except it be on the hoof. In Montana were to be found in 1890, one million cattle, two million sheep, and two hundred thousand horses. Not enough swine were being raised to feed the Montana population. There were more than 142,000 people and less than 30,000 swine.

With the coming of the railroads came also a rapid specialization in large scale wheat farming. Men came into the new country, saw the lush native grasses growing, and thought they saw a chance to make a fortune from the cheap land. In 1888 the production of wheat went to two million bushels, and the producer received a good price for it, about 85 cents a bushel. But the next year only two-thirds as much was planted, and the price was 10 cents a bushel less. It was sixteen years before the price of wheat went back to the 1888 figure, and eighteen years before as large an acreage was planted again. The '90s were hard times for Montana's ranchers.

But the state "came back." In 1904 Montana shipped two million dollars' worth of wheat; produced three million dollars worth of oats, and had over a million cattle of which a large portion were marketable. Men were still specializing in wheat, or cattle, or horses and a bad year or two in any of these industries was followed by numerous bankruptcies.

In spite of the Federal irrigation projects which developed after 1900, the importance of irrigation, as measured relative to the total amount of land cultivated, has steadily decreased. By 1920, only 15 per cent of the farm lands was irrigated, whereas in 1900 and 1910 about half was artificially supplied with water. This was partly due to superstition. Men had been taught to believe in the Great American Desert, in which the eastern half of Montana was thought to lie. Consequently men hesitated to try farming without irrigation. And it was partly due to better methods of cultivation, deeper plowing, rotation of crops, and so forth, that they have been successful on the land where they were formerly afraid to try farming.

After 1920 the tractor was everywhere seen in the fields of Montana. High labor charges were reduced by its use, for one man with a tractor could do the work of several with horses. Tractor farming required more capital, however, and there was a tendency for farmers to put their money into expensive machinery, instead of diversifying their investments and thus protecting themselves against crop failure. The reduction in handling cost blinded men's eyes to the increased capital required to use the tractors and "combinations." Then, too, oats and hay for horses could be raised on the farms whereas gasoline for tractors meant cash outlay.

Diversification of product was a notable feature of the post-war Montana farming. Phillips County, once exclusively a wheat-growing region of North Central Montana, reported the following production in 1927 by a population of less than five thousand people engaged in farming; spring wheat 1,760,000 bushels; winter wheat 16,000 bushels; oats 960,000 bushels; barley 155,000 bushels; rye 140,000 bushels; flaxseed 46,000 bushels; corn 230,000 bushels; potatoes 90,000 bushels; beans 3,000 bushels; alfalfa seed 425 bushels; clover seed 165 bushels; tame hay 40,000 tons; sugar beets 5,075 tons. This production was supplemented by a marketing of $1,700,000 worth of livestock. Irrigated land in this county was worth then about $75 an acre, and non-irrigated land already fenced and broken could be had for $25 an acre.

Rosebud County, not many decades ago, was a part of the Crow Indian Reservation. Its farming population in 1927 produced in commercial quantities, wheat, corn, oats, barley, rye, flaxseed, potatoes, beans, alfalfa seed, hay, truck crops and vegetables worth $20,000, and sugar beets, as well as livestock, amounting in value to $1,750,000.

Diversified farming in older regions of the state was a practice of longer standing. In the Bitter Root Valley practically every product of the north temperate zone was produced.

Horticulture

The growing of apples, the most valuable of the horticultural production of Montana, is said to have been introduced by Thomas H. Harris in 1866. The trees then planted were packed in from Walla Walla. Major John Owen is also reported to have planted trees at Fort Owen. Large scale planting following the introduction of the nursery by John B. Wright and Henry Buck of Stevensville. In 1872 these gentlemen shipped 10,000 root grafts from Monroe, Michigan. The difficulty of transporting such material was enormous in those days. The nearest railway station was 400 miles away at Corinne, Utah. From that depot the Montana stage coach carried them to Missoula; and from that little settlement they were brought on horseback. Alexander and McIntosh apples were produced in 1877 from orchards obtained from this nursery. This was the first locally produced fruit to reach the mining camps and consequently brought high prices. For about five years the orchard owners enjoyed this monopoly.

An exhibition of fruit at Stevensville in 1893 brought together many of the horticulturists of the state. These men then formed the Montana Horticultural Society. Five years later, meeting at Missoula this society incorporated. Since incorporation, the presidents of the society have included: W. B. Harlan, Emery, Stone, Dallman, R. B. Smith, J. O. Reed, Fred Whiteside, C. C. Willis, R. N. Sutherlin, J. C. Wood, M. J. Elrod, M. L. Dean, W. B. George, Mrs. Johnson, —— Platt, Ben Kress.

This society has done much to promote fruit growing and honey making in Montana, for bee-keeping is one of the subsidiary industries of horticulture. It was also influential in getting protective legislation passed. In 1903 the Legislature prohibited the second use of packages or wrappings of fruit and in 1905 authorized the Board of Horticulture to prescribe rules for the prevention of fruit diseases. The next Legislature conferred upon the entomologist of the Agriculture College the title of state entomologist and the duty of conducting field investigations of injurious insects and advising remedies to be employed for their extermination or control. He was allowed expenses but no increase in salary.

In 1919 a very elaborate law was enacted, dividing the state into seven horticultural districts from which were drawn the membership of the Board of Horticulture. This law provided for the inspection of the fruit trees entering or produced within the state. But the next Legislature abolished this board, and the office of state horticulturist, and transferred their duties to the newly organized Department of Agriculture.

After 1920 some fruit was raised in every county of the state. The large commercial orchards were west of the Divide; the Bitter Root Valley, the Blackfoot Valley, and the Flathead Lake were most favored. About 1910 the Rattlesnake Valley to the north of Missoula began to be planted to pears, plums, cherries, and crab-apples. Around Flathead Lake were grown Bing and Lambert sweet cherries. Canning factories at Hamilton and Stevensville packed sour cherries grown in that region and Ravalli County produced annually thousands of bushels of McIntosh apples. Apples were a million dollar crop in 1911, 1913, and 1917. From 1918 to 1921 the values ran over a million and a half. Again in 1923 more than a million dollars' worth of apples were produced.

Strawberries and other small fruits were produced in commercial quantities, and large quantities of native choke cherry (*petit cerise,* the French voyageurs were wont to call this fruit) were turned into wine.

Irrigation

The supplying of water by artificial channels was practiced in Montana from the earliest practice of agriculture, and irrigation has continued to be an important factor in agricultural production. The two million acres of irrigated land (1925) represented about 15 per cent of the plow land of the state.[1] This engineering work, involving reservoirs, dams and canals, was financed by private enterprise, by the State of Montana and by the Federal Government.

Irrigation projects on a large scale were begun in the decade following 1880, but when the territory was organized there had been a storage dam built and ten miles of ditches dug. All through the West, the rapid settlement following the extension of the railroads and the success made by the Mormons created an interest in irrigation. Perhaps men did not fully realize the extra cost of production which the employment of irrigation would involve,—at any rate a zeal for irrigation spread with true western fervor along the backbone of the continent, and a series of meetings was held to create sentiment and influence Federal, as well as State, legislation.

The first of the Irrigation Congresses, as they were called on account of their interstate nature, was held at Salt Lake City, the earliest center of irrigation, on September 15, 1891. Here there was much talk of the desirability of having the Federal Government cede the unsettled arid lands to the states in which they lay, in order that the state governments might finance their development and get taxpayers on them. But many opposed this scheme.

A statewide irrigation convention met on the call of Governor Toole at Helena, in January, 1892, and passed resolutions asking Federal aid for irrigation and the sinking of wells to try the possibilities of an underground water supply.

Senator Power of Montana was among those opposed to the cession of the arid lands to the states. In explaining his position on this question the Senator said to the *San Francisco Chronicle:*

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[1] Montana's ninety-four million acres also include more than twenty million acres of forest land.

"I speak only for my own state, where the people do not want arid lands thrust upon them. I cannot speak for California, because the conditions may be such that what is good for us may be bad for that state. My claim is that the plan to take the arid lands away from the Federal Government is the scheme of a few men, acting in conjunction with the railroads, to increase their holdings and place in their hands a supreme power that cannot be otherwise than vicious. More than that, a consummation of this big job would in the organization of a giant political machine, that in far-reaching effect and unlimited possibilities would cause Tammany to appear as a pigmy.

"For instance, in Montana there are 40,000,000 acres of unsurveyed arid lands; the railroads have 17,000,000 acres more. If this scheme should be carried out there is nothing to prevent these men from going to the railroad men, who are willing, and saying to them, 'Here, we are mutually interested in this thing. We will pool our issues and combine our strength and elect a governor who will be our creature. Thus we will control all appointments, and we will control all this land, as well as politics generally.'

IRRIGATED ORCHARD NEAR MISSOULA

"Now do you see the immense power these men would have? I will show you more. To survey these lands in Montana alone would cost much more than a million dollars. Do you see the possibilities in that single little item? Now, to go further, Montana is forced to run into debt to survey its little school lands. To survey all these arid lands would pitch it head over heels in debt, and with a body of unscrupulous men in control it would never extricate itself. Then the state would be forced, just as any unsuccessful business man is forced to do with his goods, to virtually give the land away in order to realize enough to pay its indebtedness, and that is the point in the proceedings where these political bosses and unscrupulous conspirators would step in and for a song increase their holdings.

"This is all feasible, and I charge that there is now a conspiracy afoot in which all these points have been considered and adopted. Of course the railroads are in it. The biggest man in the Salt Lake convention, which swallowed the bait, hook and all, and the man who more than any other carried the scheme through, was the general land agent of the Southern and Central Pacific railroads. He absolutely joked the convention into adopting his policy. In Montana we want the arid lands to be kept in control of the Government, we want that Government to adopt some plan by which a portion of the land can be sold and the proceeds applied to the reclamation of the whole. We stand ready to adopt anything that is fair to all the people."

But, on the whole, western sentiment seemed to favor the new plan. Hon. Francis E. Warren, of Wyoming, at the suggestion of the Irrigation Congress, prepared a bill providing for the cession. The Los Angeles Congress, held October 10, 1893, supported the measure and the *Irrigation Age*, the organ of the Congress, edited by William E. Smythe, was eloquent in its behalf.

Mr. Smythe, writing in the *American Review of Reviews* for October, 1893, presented two good arguments in behalf of the cession, namely, that the water for irrigation was already owned by the states; and that irrigation was a Western problem and the West alone was fitted to handle it. He admitted that there was opposition, but said, "But one objection has been made to the plan of cession. This is that corrupt western Legislatures would immediately parcel the lands out among boodlers and greedy corporations. It is hard to have it said that western legislators are not as honest as those that assemble at Albany, or as the boards of aldermen who dispose of Broadway franchises in the large centers of the cultured East." It was his conclusion that "the candid student of the subject will conclude that the arid lands must eventually pass to the states."[2]

The answer to this agitation was the Carey Act of Congress, of August 18, 1894. It was hoped that this act would furnish experience for the future legislation even if it did not prove to be the final settlement desired. The act provided that Montana and other states should each be given one million acres of Federal land, classed as desert, if the state would provide irrigation. Under this arrangement, the state requested the Federal Government to set apart certain tracts; a contract by the state was let to some construction company to build the necessary reservoirs and dig the ditches; then settlers were permitted to enter the lands and were given title upon fulfilling certain conditions. The expense of irrigation was borne by the settlers.

The State of Montana began its legislation regarding this matter with an act of 18 March, 1895, creating an Arid Land Commission. An amendment to this law in 1897 permitted a fund for the reclammation of arid lands granted to the Federal Government to be raised by a bond issue. These bonds were to be redeemed by the sale of reclaimed lands. The governor appointed C. O. Reed, Donald Bradford, T. Marshall, A. H. Mitchell, and Joseph K. Toole commissioners to administer the law.

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[2] The student of irrigation will do well to read his articles in the *American Review of Reviews;* "The Irrigation Idea and its coming Congress," 8: 394; and "Progress of Irrigation Thought in the West," 10:396.

In 1903 the Legislature again amended its previous Irrigation Acts by superseding this appointive committee with state officials acting *ex officio* as a Carey Land Act Board, consisting of governor, secretary of state, attorney general, and state engineer. The engineer was the executive officer of the board and was allotted a salary of $3,000 a year. This law was modified in 1905 and remained practically unchanged for twenty years and more.

For the benefit of those who were not on the Carey Act lands the state passed, on 4 March, 1907, an Irrigation District law permitting owners of land to form irrigation districts to be created by the county commissioners upon petition. After the majority of the owners in the district, counted per capita and not by acreage as one might expect, had approved the plan at an election and had elected three of their number on a board of directors to hold office for one year, the district could begin work. The Board of Directors had the authority to lease the canals and works; to lease water belonging to the district; to apportion water; to sell surplus water; and to let contracts for construction as well as transact other general business.

The issuance of bonds, however, had to be authorized by the members of the district. The law provided that these bonds must stipulate that after twenty years all, or any portion of them, might be redeemed, and that they must be paid within thirty years. The interest rate was not to exceed seven per cent; they might not be sold at less than par; and they were to be based as a lien upon the land to be irrigated. The county was the custodian of the funds of the irrigation district, that is to say, the canals, ditches, flumes, dams, gates and so forth, were not taxable for state, county and municipal purposes.

An Act of 18 March, 1909, placed the marketing of bonds under control of the district court and assisted the marketing of such bonds by permitting the sale at not under ninety per cent of par but the maximum interest rate was lowered to six per cent. Thus, while the maximum interest rate was reduced four-tenths of one per cent the flexibility was much increased. For six years this law stood without change, then was amended, 10 March, 1915, after cases before the Supreme Court revealed certain weaknesses.

In 1919 a Montana Irrigation Commission was set up to supervise the numerous projects. So many requests came in for preliminary investigations of water supplies, reservoir sites and topography of the country that this commission made a survey of the state by counties in the summer of 1920. This survey showed that many small pumping plants were in operation. Larger areas might not prove profitable. How high was it profitable to pump water? The Montana Irrigation Commission answered this query with the statement that it would require $18.15 per acre to pay interest on the investment and the maintenance. Of fifteen projects petitioned for immediately prior to this survey, the acreage involved was over 123,000 acres and the cost of construction varied from $20 to $105 per acre. The maintenance estimates ran from $4 to $12 annually. In Broadwater County a project proposed lifting water 185 feet by electric power. In Beaverhead County a petition was signed to irrigate 13,900 acres. It was contemplated that the reservoir should cover 554 acres; that a concrete arch dam, 105 feet high should be erected; that a tunnel through solid rock should be cut 675 feet long and a siphon built 560 feet long. The cost of this was estimated at $54.18 per acre. This charge would seem prohibitive when one considers that the land lay more than five thousand feet high which would forbid any fruit raising. But the principal crops of this county were wheat, oats, and barley and the production values of these three crops amounted in 1927 to almost $250 an acre. Not all of these crops were produced on irrigated land so that it is a fair inference that the irrigation would have produced even more than this average.

The Federal census of 1920 reported that 2,639,082 acres in Montana were under irrigation, with 16,445 miles of main ditches, 6,285 miles of lateral ditches, 3,524 diverting dams, 524 storage dams, and 469 reservoirs having a total capacity of 1,583,720 acre-feet, (one acre-foot equals 43,560 cubic feet). The capital invested amounted to $53,457,663, of which one-third was represented in United States reclamation service projects.

The State Legislature of 1921 saw fit to abolish the Irrigation Commission and to transfer its duties to the Public Service Commission which had been created eight years before. At the same time a new irrigation district law was passed embodying a second plan of organization, "It being intended," to quote the statute, "that after the passage of this act two methods shall be prescribed by the laws of this state for the creation, organization, administration, and control of irrigation districts, one of such methods being prescribed by chapter 146 of the Acts of the Eleventh Legislative Assembly and acts amendatory thereof and supplemental thereto, and the other provided by this act." (5 March, 1921, chapter 153.)

Federal Irrigation Projects

On June 17, 1902, Congress passed the National Irrigation Law, or Reclamation Act as it is also called, which provided that the money received from the sale of public lands in certain states, among them Montana, should be used for the construction of works necessary for the irrigation of arid lands. When one project was paid for, another could be begun. Thus the addition of irrigated land was planned to cost the Federal Government nothing but the expense of administration.

Thus the Federal Government, as well as the state, offered two schemes. The earlier Carey Act transferred the land to the states; the Reclamation Act of 1902 left the Government to deal directly with the occupier of the land.

The first project under the Carey Act was organized near Billings by the Billings Land and Irrigation Company. Its first lands were withdrawn from public entry on 3 December, 1897. More than a million dollars were spent to irrigate 23,000 acres. In 1920 the Carey Land Act Board relinquished its control to the Billings Bench Water Association, an organization formed by the water users. Wheat, alfalfa, oats, and sugar beets are here raised on land that sells for $300 an acre.

Another large project under the Carey Act was the Valier Project in Pondera County. The water for this work was supplied by Birch Creek, a tributary of Maria's River. A 160-foot dam was built to impound and store the waters. Construction cost here amounted to more than four million dollars, which paid for the dam, numerous other structures and five hundred miles of canal by which more than sixty thousand acres have been irrigated.

IRRIGATION AQUEDUCT

Not all the projects were successful. Land amounting to 55,393 acres was withdrawn for the Teton Project near Brady in 1911. About one half million dollars were expended before it was realized that insufficient water was available to irrigate the district. In 1925 the Carey Act lands were relinquished to the state and the water rights and constructions were purchased by the Bynum Irrigation District.

A large reservoir in Sweetgrass County supplied the Big Timber Project with water for 17,000 acres. Another project was begun on Flatwillow Creek in Petroleum County, a thinly settled portion of the state, and a third was the Little Missouri Project in Carter County.

The Huntley Irrigation Project was the first of the Federal works. This project utilized water drawn from the Yellowstone River a few miles northeast of Billings to water 33,000 acres along the south bank of the river. Since 1907, this land has been under irrigation; the cost has been about two million dollars. Other projects of the Federal Government were established along the Lower Yellowstone, the Milk River, the Sun River, and several others on Indian reservations.

By 1925 the irrigation works in Montana were able to furnish more water than was demanded by the acreage under cultivation so that the expansion of the various systems awaited the further occupation of irrigable farm lands. It was said in 1928 by competent authorities that probably 200,000 acres were thus awaiting occupancy.

CHAPTER XVI

MONTANA'S COPPER INDUSTRY

Copper Making in Europe and Prehistoric America

As one reviews the many successive stages in the development of primeval man, one is impressed with the vast importance of the discovery of metals and of the processes of making implements from them. Progress was attendant upon this discovery. Man passed in successive steps from the Stone Age, with its flint knives, arrows, and spear-heads, to the Bronze Age with its first crude metallic implements, and thence to the Iron Age, with its keener weapons and tools. Copper differentiated barbarous man from savage man as stone had separated the savage from the brute.

Prehistoric copper mines have been reported in the Ural Mountains of Eurasia, and in Germany.[1] In the German mine, near Bischofshofen, in Salzburg, the archeologist, M. Much, found the remains of small smelting furnaces and a few pieces of copper produced by the prehistoric artisans. In Egypt copper was introduced just before the creation of the First Dynasty when the country was united under one leader in 3400 B. C. Many objects of copper, particularly copper bowls, have been found in Egyptian graves of that time.[2] Not long afterwards they learned how to make bronze, which, being harder than copper, was more useful for weapons and implements. In addition they had a process of hammering their bronze thus increasing its density and hardness so that they were able to form keen cutting edges with it. In the excavation of the second city of Troy (which is believed to have been built a thousand years before the days of Priam and Agamemnon of whom Homer wrote) have been found many objects of copper and some bronze.[3]

The Romans and their neighbors early learned the use of copper and bronze. In Sardinia, where copper was native, have been found flat copper celts and bell beakers.[4] All through this region excavations have brought to light objects of copper and bronze such as daggers, rapiers, swords, lances, arrowheads, gouges, knives, sickles, bracelets, buttons and harness. According to Pliny, the Roman supply was derived chiefly from the island of Cyprus.[5] Thus the metal came to be called *aes cyprum,* which was gradually corrupted to *cuprum* from which is derived our modern terms copper, *kupfer* (German), *cuivre* (French), and *cobre* (Spanish).

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[1] Die Kupferzeit in Europa und ihr verhaltniss zur Cultur der Indogermans, Wien, 1886.

[2] James Henry Breasted, *A History of Egypt,* New York, 1905. Page 39.

[3] H. B. Cotterill, *Ancient Greece,* Stokes, New York, 1913. Page 6.

[4] M. C. Burkitt, *Our Early Ancestors, An Introductory Study of Mesolithic, Neolithic and Copper Age Cultures in Europe and Adjacent Regions.* Page 2.

[5] C. Plini Secundi, *Naturalis Historiae* XXXIV, ii. Ed. Sillig, Hamburg, 1851, V 127.

For artistic efforts and achievements in bronze, as in other lines, the Romans were greatly indebted to, and dependent upon, the Greeks. The Romans of the classical era used the same objects of bronze as the Greeks did. But it was not until Christianity took hold of Italy that she was able to give to the world anything original and of value, as the bronze doors of cathedrals. For these bronze doors, which were produced about the eleventh and twelfth centuries of the Christian era, Italy is especially famous. The doors were ornamented with panels of bronze in high relief depicting Biblical stories and characters.

During the middle ages towns which were located along the Meuse River in what is now Belgium, became famous for their bronze works, and all bronze work came to be known throughout Europe and the Levant as Dinanderie from the name of the town of Dinant, one of these Mosan towns. These towns secured their copper either from Scandinavia or from the Harz Mountains, the latter being the more important source. These mines have been worked for at least eight hundred years and, no doubt, long before in prehistoric times they produced the copper for making the bronze weapons of the early German tribes, as well as producing a sufficiency of tin to form the alloy.

Most of the objects produced by the Mosan towns were for ecclesiastical use, among which were portable altars, shrines, reliquaries, crosses, censers, candlesticks and light holders, crosiers, holy water vats, lecterns, book covers, fonts, ewers and water vessels, bronze doors, and sanctuary rings or knockers, bells, tombs and monuments.

Although in England, as in her neighboring countries, bronze had been used from an early date for small objects of domestic and ecclesiastical use, it was not used on a large scale, or for large objects, except for tombs and lecterns, before the sixteenth century. The most outstanding large works in bronze made at an earlier time were the effigies of Henry III and Queen Eleanor made about the end of the fourteenth century.[6] No sculptor's work of the same period has surpassed these pieces in artistic beauty. Another object of which England may be proud is the bronze screen of Henry VII.

During the tenth and eleventh centuries, Germany produced large and elaborate works in cast bronze, especially doors for churches. Among the most noted of these were the doors of Augsburg, 1047-1072. Another outstanding work was the tomb of Rudolph of Swabia in Mersburg Cathedral, 1080.

It would be interesting to know whence the Turks had their bronze from which they cast the great cannon used to batter down the gates of Constantinople in 1453. Had it been bell-metal taken from the Christian sanctuaries, or was it fresh from the mines of Cyprus?

In 1556 Georg (Bauer) Agricola published his famous *De Re Metallica,* translated in 1912 for the first time into the English language by Mr. and Mrs. Herbert C. Hoover. This monumental work describes the mining and smelting of ores, and the separation of metals. "Frequently two metals, occasionally more than two, are melted out of one ore, because in nature generally there is some amount of gold in silver and copper, and some silver in gold, copper, lead and iron; likewise some copper in gold, silver, lead and iron, and some lead in silver; and lastly some copper in iron."[7] Numerous illustrations added to the value of this product of the Renaissance.

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[6] J. Tavenor-Perry, *Dinanderie,* 49.

In the sixteenth century the banking house of Fugger at Augsburg had control of the Hungarian mines of Neusohl. From this source Henry VIII of England is known to have bought copper. Near Innsbruck in the Tyrol an important copper mine was developed. Shortage of copper when cannon and shot were beginning to be used, led the Tudors to safeguard the supply of this essential material by passing a series of statutes forbidding the exportation of brass, copper, bell-metal and latten.[8]

Prof. Henry Hamilton begins his story of the English copper industry with the statement that until the reign of Elizabeth no brass had been made in England and the mining of copper had been almost wholly neglected. In the time of Elizabeth, however, certain German workmen from the Tyrol, where copper working was a long established art, came to England and made a business of copper smelting.

The principal sources of copper in England were the mines of Cornwall and Devon, which have been worked for three hundred years. The failure of the Cornish at smelting resulted in their shipment of ores to Swansea, Wales, where a large smelting industry grew up during the eighteenth century.

By the end of the eighteenth century, Great Britain was producing three-fourths of the world's copper. In 1799 4,923 tons of refined copper were produced from the Cornish ores, and nearly 2,000 tons from the Anglesea. In 1816 the Dolcoath mine in Cornwall had reached a depth of 1,368 feet. Instead of carrying the ores up ladders on the backs of men and women, as had formerly been the practice, the crank and pulley method was employed, which in turn gave place to horsepower, water power, and steam. "In 1842 the first man engine was built, for taking men to and from their work in the deep mines."[9]

Stronger competition set in late in the nineteenth century. In addition to the Lake Superior mines, Chilean deposits were being opened; the Tharsis mine in Spain was reopened in 1863; the Rio Tinto mines, after a century of neglect, were reopened in 1876; and Australian mines began to be worked.

Although prior to the development of the Montana mines, the Lake Superior region furnished the great bulk of copper, nevertheless other small productions should be mentioned here. The census of 1870 found that copper was being mined in Arizona,

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[7] Georgius Agricola *De Re Metallica* translated from the first Latin edition of 1556 by Herbert Clark Hoover and Lou Henry Hoover, London 1912, Page 439.

[8] 21 Henry VIII c 10; 28 Henry VIII c 3; 23 Henry VIII c 7; 2 and 3 Edward II c 37. Cited by Henry Hamilton, *The English Brass and Copper Industries to 1800*, Longmans Green, London, 1926. Page 7.

[9] Horace J. Stevens, *Copper Handbook*, Vol. II, 1902. Page 13.

Maryland, Nevada, North Carolina, Pennsylvania, Vermont, Virginia and Tennessee, as well as Michigan.[10] However the total wages paid outside of Michigan were only $359,729.[11]

When the Europeans first explored America, they found north of the Rio Grande a knowledge of copper and its use for ornamental purposes but no practical use thereof, according to Professor Packard.[12] An early account of Cabot's voyage of 1497 to the northeast coast of America (Hakluyt) and a brief mention by Cortereal in 1500 alike testify to copper being seen in the hands of the natives. Verrazano in 1524 coasted from the thirty-fourth to about the forty-first parallel and mentioned seeing among the natives, probably near the mouth of the Hudson, "many plates of wrought copper which they esteem more than gold," and ear ornaments of copper.

Cartier, the French explorer of the Saint Lawrence region in 1535, kidnapped a native chieftain to exhibit in France. When the Indians mourned the exile of their leader, Cartier promised that he should be returned the following year, whereupon the Frenchman was presented "with a great knife of red copper that cometh from Saguenay" in addition to three bundles of furs. This copper implement, then, would contradict Packard's dictum mentioned above.

The Smithsonian Institute had in 1892 less than seven hundred aboriginal articles of copper gathered in North America, and more than half of these were gathered in Wisconsin, the seat of the ancient copper mines. But since that time thousands of copper artifacts have been taken from burial mounds widely scattered throughout the United States and of proved pre-columbian origin. From Arkansas came a head plume of hammered copper representing a bird, about fourteen inches long; from an Alabama mound came a pendant containing a swastika design and a gorget of sheet copper decorated with a swastika, shaped somewhat like a four-bladed boat propeller; a portion of a hafted, leaf-shaped copper spear head, four and a half inches long was found on the site of an Indian village in Wisconsin which assayed 99.69 per cent, thus proving it to be native copper.

Later finds have included chisels, axe-heads, adzes, gouges, knifeblades, awls and drills among the copper tools; spear and arrow-heads, and swords among the weapons; and many kinds of ornaments. Collection of these pre-Columbian artifacts are to be

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[10] Census, 1870, iii 767.

[11] Production of Copper in the United States. From "Report on Copper" by Charles Kirchhoff in *Twenty-first Annual Report of the United States Geological Survey,* Part VI, 163.

(Quantities in long tons.)

Year	Total	Lake Superior
1845	100	12
1850	650	572
1855	3,000	2,593
1860	7,200	5,388
1865	8,500	6,410
1870	12,600	10,992
1875	18,000	16,089

[12] R. L. Packard—"Pre-Columbian Copper Mining in North America." *Smithsonian Report 1892,* page 176.

found in the Academy of Natural Sciences at Philadelphia, the Museum of the University of Pennsylvania, the Peabody Museum at Cambridge, the American Museum of Natural History at New York, the Field Museum at Chicago and many others.[13]

As soon as barter with Europeans began much copper was scattered throughout America. Fortunately the Lake Superior native copper may be differentiated from the imported article by its purer nature and by its content of minute flecks of silver which would not remain after the copper was once smelted.

"In the absence of evidence," wrote Packard in 1892, "that the Indians of the United States had any knowledge of smelting, it must be inferred that all the copper they possessed was found in a metallic or native state. There is nothing to show that they were aware of the existence of copper ore as a source of metal. No remains of smelting places, or slag, or other indications of metallurgical operations have yet been found." The rarity of copper among them leads to the same inference, for if the Amerinds had known what prehistoric Europeans knew about smelting, they undoubtedly would have turned this knowledge to account.

The pure copper metal, rather than ore, is found native in very few places in the world. One of these is in the Copper River region of western Canada, but the largest deposit is found on the southern shore of Lake Superior. Here the aborigines dug shallow trenches until they found the red metal. Sometimes they came upon masses too large to be handled for they possessed nothing harder with which to cut off portions. Only the smaller pieces were of value to them. Whittlesey, who described these workings in 1856, reported the finding of a pit which contained a mass of copper five to nine inches thick and nine feet long which had resisted all efforts to break off portions. Broken stone mauls lay all about it, and a portion of the mass had been bent in the efforts to obtain pieces.[14]

Coming down to more recent times, a Canadian furtrader by the name of Samuel Hearne, in the employ of the Hudson's Bay Company, went to the Coppermine River in 1771 and has left us a memoir of his journey.[15] Among the Indians of that region he found that prior to the beginning of European trade, copper was their only metal. Of this material they made hatchets, ice-chisels, bayonets, knives, awls and arrowheads.

The Jesuits who labored in the region of the Great Lakes during the seventeenth and eighteenth centuries have left record of the use of copper among the aborigines. LeMercier wrote his Superior, Father Jacques Bordier, under date of 10 November 1667, of a journey he took to Lake Superior. "One often finds," he wrote, "at the bottom of the water, pieces of pure copper, of ten and twenty livres weight. I have several times seen such pieces in the savages' hands; and since they are superstitious, they keep them as so many divinities, or as presents which the gods dwelling beneath the water have given them, and on which their welfare is to depend." Copper was found in Acadia, in Quebec and at Lake Superior, according to the Relations of the Jesuits, and had a wide distribution. But this was all native copper, never the result of smelting.

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[13] Phillips, George Brinton. "Primitive Copper Industry of America." *Brass World* 21:300, September 1925.

[14] Charles Whittlesey; "Ancient Mining on the Shores of Lake Superior," *Smithsonian Contributions*, No. 155 XIII 1862.

[15] *Journey from Prince of Wales Fort in Hudson's Bay to the Northern Ocean*, London 1795.

The modern development of the Lake Superior copper mines was due to Dr. Douglas Houghton who, in company with Gen. Lewis Cass, first visited the southern shore of Lake Superior in the summer of 1830. He labored unavailingly for several years to get the Michigan Legislature to appropriate money for an adequate survey of the Upper Peninsula. Finally, in 1841 he printed the results of his survey which announced vast stores of copper. In order that the white man might enjoy the fruits of this discovery the Chippewa Indians were induced to yield their title to 30,000 square miles along the southern shore of Lake Superior from Sault Ste. Marie to the head of the lake. The first mining permits were issued by the Federal Government in 1841. The Pittsburgh and Boston Mining Company was organized 1844 and began work in 1846 in the Cliff mine, the first to be opened by civilized man in this region.[16]

The Calumet and Hecla Mining Company, the largest operator in this region, was organized in 1872 taking over other companies which had been operating since 1867. In that year the total product of the Lake Superior district was 17,515,607 pounds, of which Calumet and Hecla produced only seven per cent, but in 1871 the percentage had increased to sixty-three and for thirty years thereafter, Calumet and Hecla maintained approximately that proportion.

The demand for copper and brass all over the civilized world was steadily increasing. The rapid expansion of the railway industry demanded an enormous amount of cupriferous castings. Likewise, the invention in 1877 of the electric dynamo made new requisitions and in other industries the red metal was being applied to many new uses. Thus the discovery of a means of smelting copper from the ores in the territory of Montana came at a time when the demand for that metal was creating a good price. But this is the story which is to be told in greater detail in the following pages.

The Early Years of Copper in Montana

In the early sixties, men flocked to Montana from California, Nevada, Colorado and the eastern states in search of that gold whose discovery had been announced by the traders on the Missouri to the civilized world. Among the places occupied by these gold seekers was a placer, first worked in October 1864, on Silver Bow Creek, a tributary of the Deer Lodge River whose waters eventually are emptied into the Pacific Ocean through the Columbia. the forty-sixth parallel of north latitude strikes through this little creek and the longitude of the placer was about 112 degrees forty-five minutes west of Greenwich. The elevation was about 5,800 feet.

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[16] H. J. Stevens, *The Copper Handbook 1900*, pp. 10-12.

Physical Description of the Butte Region

The Rocky Mountains here are very rugged, broken with valleys, some wide, some very narrow. There are wide plateaus interspersed, bearing scrub pine and mountain grasses, beautiful in the spring and early summer with a flora which for its great variety is the delight of the botanist. Away from the settlements, the coyotes and jack rabbits furnish food for wolves and cougars; while an occasional black bear feeds upon the native berries. In the pine forests deer and elk roam in large numbers, protected since the Territorial days by strict game laws. Rarely, a moose is seen feeding in the swamps of the denser forests. The human population of this region has huddled into camps leaving the wilderness largely in its native state. A few minutes' automobile drive northeast from Butte toward Helena carries one into Elk Park, a most beautiful natural pine forest, wherein much game abounds.

REMAINS OF BANNACK'S FORMER MINING GLORY

In the absence of political subdivisions, the miners were accustomed to name districts, gulches, and claims and to elect administrative officers for the districts. Thus there was law enforcement in this region before the Federal Government sent in its officials.[17] A recorder was essential to make record of the claims; a president presided at the public meetings; and a sheriff enforced the edicts of these assemblies. Their punishments were fines, exile and death, but never imprisonment. Rarely, a whipping was decreed.

Gold and Silver Mining in Butte

Placer gold mining is not ordinarily long continued in one spot, and the camp on Silver Bow Creek, as might have been expected, lasted only a few years. In fact, by 1867, there was little activity of gold seekers remaining in this vicinity. The settlement, which dated back to January, 1864, was a cluster of a few log huts, bearing the name of Silver Bow Town. But it persisted and as late as 1885 an observer could write "Silver Bow Town is a village of sixty or seventy houses and three times as many people. * * * And, speaking of buildings, in Butte and Silver Bow, seven miles apart, year about houses are torn down in one and removed to the other. * * * This was to save timber, we suppose, as there is not more than a million or two acres of good timber land in this immediate vicinity."[18]

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[17] Cf. Thomas Maitland Marshall "Miners laws of Colorado" *American Historical Review*, 25:426-39.

The discovery of rich silver ores followed soon after the gold rush. Galena lodes carrying silver were found at Argenta in the summer of 1864 and furnaces for its smelting were operated at intervals. Silver was discovered at Phillipsburg in the following year and a ten-stamp mill was erected. A rich belt of silver-bearing ore lay south and west of Helena containing galena, zinc blende, and antimony. This same belt outcropped on the opposite slope of the Rockies near Silver Bow Creek.[19]

The silver smelting process was quite crude. As described in Clark's Centennial Speech the process was as follows: "The ore is first reduced by a Blake crusher, then dried, crushed, chlorodized in Bruckner cylinders by the action of heat and chlorine obtained by the decomposition of salt with sulphuric acid. It is subsequently transferred to revolving iron pans, in which the argentic chloride is decomposed by the iron of the pans, mercury is added and an amalgam of silver formed. The free mercury is strained from this through canvas strainers. The amalgam is placed in cylindrical iron retorts, which are gradually raised to a red heat whereby the mercury is distilled off and condensed, and the residue, called crude bullion or silver sponge, is melted in plumbago crucibles and cast into bars, assayed, and sent to market."[20]

"In the spring of 1867," according to David N. Upton, a miner who arrived in Butte in September, 1866, "the Butte townsite was laid out, and at one time the population reached 500. Then the placers gave out, and nearly everybody left, and the town did not get lively again until 1875, when Farlin struck the Travona."[21]

W. L. Farlin, a Pennsylvanian by birth, had come to Idaho when the first gold rush started and after some exploration of the Upper Missouri basin, arrived at Virginia City on September 20, 1863. In the following year he located a number of leads in the vicinity of Butte, but did not then claim them. In June, 1866, he discovered the Travonia (or Travona) which was then called the Asteroid. [22] From this mine was smelted an ounce bar of silver, the first of Montana's silver product.

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[18] Leeson, M. A. (Editor). History of Montana 1739-1885. Warner Beers & Co. Chicago. p. 900.

[19] W. A. Clark, "Centennial Address," *Contributions to the Historical Society of Montana*, Volume II, page 52.

[20] W. A. Clark's Centennial Address. p. 52.

[21] History of Montana 1739-1885. p. 917.

[22] Biographical sketch of Farlin, *History of Montana 1739-1885*. p. 1334. Probably largely autobiographical, or at least approved by him before publication.

Farlin did not stay by his claim but abandoned it to other prospectors. These also moved away. Then Congress passed a law requiring all owners of quartz claims to perform a certain amount of labor yearly or forfeit the claim. The date set for forfeiture was January 1, 1875.[23] Farlin came back the night before and started work on the old claim, so that the following day he might relocate the claim. "Hardly had daylight dawned" declaimed Charles S. Warren, "when a new era opened to Butte—the Travona, at every stroke of the pick, showing up her treasures to the world. Never before in Montana had such a lode been discovered. To William L. Farlin, and him alone, does Butte today owe her prosperity."[24]

The following February, the first serious attempt to work silver ores in Montana was begun by building a ten-stamp mill.

In 1872, William Andrews Clark, a merchant and banker who had worked in the quartz mines of Colorado, began to interest himself in the quartz prospects of the Butte district. He purchased an interest in several mines and applied his capital to their development. In the winter of 1872-73 he studied metallurgy at the Columbia College School of Mines in New York City, so that he would have the technical knowledge required by this new venture.

First Cupric Ore from the Colusa

The mines in which he purchased an interest were the Original, the Colusa, the Mountain Chief and the Gambetta.[25] The Original mine had been begun as early as 1864, and its shaft a few years later reached to a depth of ninety feet, in search for gold. Its discoverer was probably G. O. Humphreys. From the Colusa came the first cupric ore shipped out of Montana. Out of a shaft fifty feet in depth was taken a car load of ore. This ore was carried in wagons some four hundred miles to Corinne, Utah, and shipped to Baltimore for treatment. It returned over 35 per cent copper but the freight charges made even this rich ore unprofitable to handle in this manner.[26]

After this time, silver and copper were taken in increasing quantities from the Butte mines as shown by the following table:

Production of Gold, Silver and Copper from the Butte Mines, 1882-1889[27]

	Gold (fine ounces)	Silver (fine ounces)	Copper (fine pounds)
1882	12,093	2,699,296	9,058,284
1883	14,560	3,480,468	24,664,346
1884	21,776	4,481,180	43,093,054
1885	13,838	4,126,677	67,797,864
1886	31,223	5,924,180	57,611,485

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[23] United States Statutes in force 1 December 1873 section 2324 as revised by law of 6 June 1874 extending time to 1 January 1875.

[24] *Contributions to Historical Society of Montana*, II, 70.

[25] Biographical Sketch W. A. Clark, in *History of Montana 1739-1885*, page 1327.

[26] Quoted from John B. Read, (1884) in *History of Montana 1739-1885*, page 954.

	Gold (fine ounces)	Silver (fine ounces)	Copper (fine pounds)
1887	48,175	6,958,822	78,700,000
1888	44,320	8,275,768	98,504,000
1889	31,652	6,650,038	104,589,000
1890	25,704	7,500,000	112,700,000
1895	41,433	10,051,760	197,190,659
1899	62,038	9,855,831	245,245,908

The Alice, probably the most famous mine in Montana, next to the Anaconda, was located January 2, 1875, by Rolla Butcher.[28] The Alice Gold Mining Company was incorporated in February, 1878, and reorganized in December, 1879. Its capital stock was set at $10,000,000, divided into twenty-five dollar shares. On the advice of Marcus Daly, who had gained his mining experience at Comstock, Nevada, this mine was bought by Walker Brothers of Salt Lake City at the extremely low valuation of $25,000 early in the fall of 1876.

Marcus Daly

Marcus Daly is of sufficient importance in the later development of the Butte district to merit special attention at this point of the narrative. He was born in a hamlet on the edge of Ballyjamesduff in County Cavan, Ireland, in 1841. He was one of a family of eleven children and received only a slight amount of schooling. At the age of fifteen he immigrated to America alone. After landing at Brooklyn, he found work on the docks and saved enough money to go to California by way of the Isthmus.

He learned quartz mining on the Comstock lode, and in 1873 was employed by the Walker Brothers of Salt Lake City as manager of their properties at Dry Canyon. Three years later he was sent by his employers to Butte to look for good investments. Upon his arrival in Butte he secured employment in the Parrott, but quit the mine after two days' work because the shafts were so damp he feared contracting pneumonia. After a time he found a job in the Alice, got acquainted with that mine, and soon recommended its purchase to the Walker Brothers.

Walker Brothers erected at the Alice a twenty-stamp mill for crushing the quartz and began operations in December, 1877, with Marcus Daly as superintendent of the mine and Lathrop Dunn in charge of the mill. In 1880, a sixty-stamp mill was built and in five years, from 7 November, 1877, to 24 February, 1883, the bullion output of silver was $4,404,000.

The Parrott mine, an exceedingly heavy producer with an interesting history, is said to have been discovered on 1 October,

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[27] Eugene B. Braden, Assayer in Charge, United States Assay Office Helena. Report on Montana. Report of the Director of the Mint upon the Production of the Precious Metals in the United States During the Calendar Year 1899. p. 138. Readers are warned against the inaccurate table in Freeman's History of Butte, page 62, which subsitutes a comma for a decimal point in the figures for gold production thereby multiplying the actual amount by one thousand.

[28] Charles S. Warren, "Reminiscences," quoted by *History of Montana 1739-1885,* page 953.

1864, by Dennis O'Leary.[29] Two years later O'Leary, Joseph Ramsdell, William Parks and Thomas C. Porter erected a crude smelter said to have been the first in the district. The blast was operated by horse power. After sinking $7,000 in the venture, the owners gave up their effort as a failure; "not understanding how to flux the ore," as Charles S. Warren explained it in 1876.

"William J. Parks, almost singlehanded and alone, commenced work on his claim on the Parrott lode, and from year to year as his means would permit, he worked on his mine—working to get a few dollars to purchase provisions, and then working on the lode. Years of patient toil and industry were at last rewarded. He finally struck paying ore, having sunk to the depth of 155 feet, while other men who were well off in this world's goods, owned claims on the same lode, and left it to this one man of nerve and unconquerable energy to develop his property, which would alike be beneficial to them; as one of them remarked, 'let's wait and see if Parks can make it win.' "[30]

In the spring of 1877, two Connecticut men, Achille F. Migron and Franklin Farrell, joined with two Montana capitalists, Samuel T. Hauser and Anton M. Holter, in purchasing the Parrott. These men formed a stock company known as the Parrott Silver and Copper Company on 16 August, 1880, and set about building a smelter. Their first run of copper matte was in July, 1881. Improvements were continued and in 1883 they produced 6,600,000 pounds of copper.

Manhes' Method of Treating Copper Ores

This Parrott mine deserves particular mention of an important contribution which it made to the metallurgical development of the copper industry. It was the first of the American copper smelters to make use of the Bessemer process in the reduction of the ores. In 1883 M. Pierre Manhes, of Lyons, France, filed applications for United States patents for a process and modification thereof for converting copper matte into pig copper. Patents were granted on two of these applications in 1892. The term matte is applied to the copper ores after they have been concentrated and roasted so as partially to remove the sulphur.

Soon after the filing of these applications, licensed pupils of Manhes at the Parrott company's works at Butte, built an experimental plant which was entirely successful under the direction of Mr. A. J. Schumacher, superintendent of and metallurgist of the works. The process took a matte containing 50 per cent copper and made a pig containing 99 per cent copper plus all the gold and silver in the matte.

Patents on March 8, 1892, were granted on the following claims: "Charging the matte, in a molten condition, into a convertor, forcing jets of air through the molten matte, and maintaining it in a molten condition and at the proper temperature by the combustion of the sulphur and iron in the matte, continuing the operation until the sulphur and iron have been separated from the metallic copper." "A convertor for reducing pig copper from copper matte, having a wind belt encircling the convertor above its bottom, a series of tuyères extending through the lining of the convertor and communicating at the outer ends with the wind belt, and removable stoppers located in the outer wall of the wind belt and in alignment with each of the said tuyères, whereby a drift bar may be inserted successively through said tuyères to remove obstructions."

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[29] Biography of Joseph Ramsdell, *History of Montana*, p. 1350. But Charles S. Warren said in 1876, "The Parrott lode was discovered by Dennis Leary, George Newkirk and Porter Brothers. This lode was named in honor of the Hon. R. R. Parrott, attorney at law at that time, professionally prominent in the community." *Contributions*, II, 68. He probably referred to Robert B. Parrott, of Helena, who was a member of the Second Territorial Assembly, and a member of the Constitutional Convention of 1866.

[30] Charles S. Warren, "The Territory of Montana," *Contributions to the Historical Society of Montana.* II, 70.

An average charge of these convertors contained about 51 per cent copper, 22 per cent iron and 26 per cent sulphur. The copper might vary from 48 per cent to 55 per cent and the iron might partly be replaced by small quantities of zinc, lead, antimony, and arsenic.[31] The product of these convertors was called blister. This was shipped to Bridgeport, Connecticut, to be further refined in a plant owned by the same company.

The Lexington Mine

The Lexington mine owed its development to Andrew J. Davis, who came to Montana as a merchant in 1864 and remained to make a fortune. In 1876 he built a mill for the ore from the Lexington and crushing began in February, 1877. In August, 1881, he sold his interest to a French company known as the Societe Anonyme des Mines de Lexington, headed by E. Renevey, for a million dollars in cash, and two millions in preferred stock. This mine is said to have been purchased from its discoverer at the price of a sorrel horse. By 1884 this company had erected a sixty-stamp mill, was paying regular dividends, and had a monthly payroll of $50,000.[32]

The high freight rates on ore, owing to the distance to the nearest smelters, made mining unprofitable, or, perhaps, less profitable than it would have been if the ores could be smelted in Butte. So W. A. Clark, in 1878, suggested to the Boston and Colorado Smelting Company at Black Hawk, Colorado, that they erect a custom smelter at Butte. Henry Williams was sent to investigate and made a favorable report. The Colorado and Montana Smelting Company was accordingly organized in 1879 and reduction works were erected.[33]

This company leased the Fredonia, Nettie, and Self Rising mines and by the use of their manganiferous silver ores as a flux made copper matte. This product went to the Argo Works in Colorado for further refining. The corporation reorganized in

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[31] Charles Wade Stickney, "Bessemerizing of Copper Matte." In *Mineral Industry 1892*, Scientific Publishing Co. New York.

[32] *History of Montana*, p. 958. These statistics were gathered by John B. Read in contemporary personal interviews.

[33] Walter Harvey Weed, Geology and Ore Deposits of the Butte District, Montana. Washington, 1912. (The field work was completed in 1905.) Page 20.

1883 and took over the Gagnon mine to furnish more ore; thereafter it was known as the Trenton Copper Company.

The best days of Butte as a silver camp were reached in 1887. Then the Alice was running eighty stamps; the Moulton forty; the Lexington fifty; the Bluebird ninety; and the Silver Bow thirty. The aggregate of silver ore handled by these crushers was 400 tons daily and another hundred tons was going directly to the smelters.[34]

Discovery of Copper in the Anaconda

It will be seen from the foregoing that the Butte camp changed very gradually from a silver camp to a copper camp. No date can be set for this change unless we take the discovery of the great copper body in the Anaconda, (1882) as marking the division between silver and copper. The first official figures on copper production were for the year 1880 and reported 9,452,800 pounds.[35]

The honor of the original discovery of the great Anaconda mine belonged to a simple Irish miner named Michael A. Hickey. In his own words he has told the story of how this lode was found and named:

"It was some time in the year 1866 that I first noticed an indication of a lead where the Anaconda mine is now located. I had left New York in the fall of 1865, but it was the spring of 1866 before I reached this section of the country. * * * I was looking for placer not quartz * * * it was on the corner of the hill, where the old Anaconda shaft is located that I picked up some green carbonate of copper and glanced at it. The pieces varied in size from a bean to a walnut * * * told my partner I bet I knew where the main copper lead of Butte located. * * * Still, I didn't locate the property. I was looking for gold, not silver or copper. I kept on placer mining * * * for ten years the big copper mine was there undisturbed before I finally decided to locate it. I finally in 1876 located the Anaconda. The new mining law had come in then. (600 feet wide and 1,500 feet long.) I took my brother, Ed Hickey, in with me on the location of the hill and we divided it up, he taking the St. Lawrence and I taking the Anaconda.

"I thought a long while before I named this mine. Several thousand locations had been filed in and around Butte and I wanted to get a new name. I served in McClellan's army in the war. One day while in camp I picked up a copy of the *New York Tribune* and read one of Greeley's editorials in which he said that McClellan's army was enveloping Lee's army in its coils like a giant *anaconda*. It struck me that the word 'anaconda' was a mighty good word, and it always stuck to me. So when I wanted a name that no one else had hit on, I thought of the anaconda, and gave the mine the name which has become so famous. * * * I gave a third interest in the mine to Charles Larrabie for nothing, as I wanted help in representing. When the mine was at a depth of eighty-five feet, Marcus Daly came to me and said he would like to have a half interest in the mine. He was at the time superintendent of the Alice. He offered to sink a number of feet for the third interest. I think it was fifty feet he was to sink; after Mr. Daly had sunk to a depth of eighty-five feet he came to me and offered to lease and bond from me at the rate of $30,000 which would be $10,000 for the third interest I still retained. * * * The next spring I was offered $7,000 more than my agreement with Mr. Daly had called for but Mr. Daly had kept his agreement with me in every particular, so I refused the offer, and when Mr. Daly came around I gave him the deed and received $10,000 for my third interest."[36]

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[34] Walter Harvey Weed, page 19.

[35] Director of the Mint, report for 1880.

If the old man's memory did not fail him as to the date of the location (1876) it was about four years later, when, to use his own phrase "the mine was at a depth of eighty-five feet" that Daly offered to lease and bond the mine for $30,000. Daly took the mine over in 1880, and continued the development of the shaft.

ANACONDA HILL AND VICINITY

In the meantime, Haggin and Tevis, a law firm of San Francisco, were looking for mining properties for Senator George Hearst In 1881 Daly offered them the Anaconda for $30,000, with the arrangement that he should retain a fourth interest, Haggin, Tevis and Hearst all being interested. This proposal was accepted and the partnership lasted until 1895 when a corporation was formed. James B. Haggin assumed the burden of financing the venture, Tevis and Hearst remained silent partners, while to Daly was committed the management of the mine.[37]

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[36] The Anaconda *Standard,* Dec. 21, 1902, by Michael A. Hickey, Dec. 18, 1902.

[37] Anaconda *Standard,* 13 November 1900; Butte *Miner,* 13 November 1900; Butte *Daily Inter Mountain.* Both the *Miner* and the *Inter Mountain* err in referring to William Randolph Hearst rather than his father, George. These newspaper accounts are obituaries of Daly.

James Haggin has been sadly neglected by western histories; in considera-

In 1881, Marcus Daly, representing the newly formed partnership known as the Anaconda Silver Mining Company, leased the Dexter mill and treated some eight thousand tons of oxidized silver ore from the mine, running about thirty ounces to the ton. Apparently the venture was a failure, for this amount would not pay for handling. But on the hundred foot level a copper seam was struck which rapidly enlarged as the shaft was sunk. George Hearst recommended deep development and selected the spot most suitable for a shaft. At a depth of 300, a five-foot vein of copper glance was struck, and the great copper era of Butte had begun.[38]

The costs of operation were discouragingly high. Labor, fuel and transportation charges left little unless the copper ran more than fourteen per cent. Miners at Butte received $3.50 per day; carpenters $5 to $6; coal cost eight to nine dollars a ton; freight to the Atlantic cost $23.[39] But the coming of the Utah Northern Railway into Butte on 21 December, 1881, helped to create prosperity for the camp by lowering the freight rates, and on 12 July, 1888, the Montana Central gave additional eastern connection.

The Anaconda Company spent money liberally for improvements. By 1885 the shaft was down 900 feet, the first 200 running through silver ores and the remainder through copper. Within five years nearly a half million dollars had been spent in developing the mine and building machinery for handling the ores. The bulk of its matte did not carry sufficient silver to pay for its separation, but the same was true of the Clark mines.[40]

Copper Consumption in 1883

American copper was going abroad in the forms of ore, matte, black copper, refined metal and electrolytic copper. Little progress had been made yet in rolling the copper into merchantable forms such as wire, bars, rods and other shaped copper. "In the earlier stages of manufacture in our rolling mills," said a competent observer, "rule of thumb rules supreme, and the practice in mixing alloys and in melting is spoken of as very crude by men of unqestioned authority."[41]

The United States in 1883 produced 142,363,180 pounds of copper from domestic ore and 2,858,754 pounds from imported ores.

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tion of his importance in the history of Rocky Mountain mining a short sketch is here inserted. James Ben Ali Haggin was born at Harrodsburg, Kentucky, in 1822, of a Turkish mother who gave him her surname for his middle name. He was trained in the law and admitted to the Kentucky bar. He went with the argonauts of 1849 by way of Panama to San Francisco. There he practiced law, first with Milton S. Latham and then with Lloyd Tevis. Haggin and Tevis became known throughout the West for their great mining investments, especially in the Ontario, at Park City, Utah, the Anaconda, and the Homestake, in the Black Hills. In many of their operations George Hearst was associated with them. (Hence the Hearst Free Library at Anaconda.) In Haggin's old age he financed the development of the Cerro de Pasco mines in Peru. Like Daly, the breeding of thoroughbred horses was his hobby, and for several years he was a figure at the race-tracks. He died at Newport, 12 September 1914. See *Engineering and Mining Journal*, 98:539.

[38] Weed, *op. cit.* 20.

[39] Charles Kirchhoff Jr. "Copper Industry of the United States" in *Mineral Resources of the United States, 1883 and 1884.* p. 338.

[40] *Mineral Resources of the United States 1886*, p. 117.

[41] Kirchhoff, *op. cit.* 323-324.

They exported 75,425,280 pounds of copper ore and 30,405,159 pounds of copper in various forms. The home consumption probably amounted to 80,000,000 pounds. The price of western copper hovered around fourteen cents in 1883 and thirteen cents in 1884, but went as low as ten and a half cents in December, 1884. Since the cost at the smelter was about eight cents, this price was destructive.

First Smelter at Anaconda

The shortage of water at Butte led the Anaconda to look for a better location for a smelter. In the fall of 1882 it was rumored that a plant would be built either on the Big Hole River or on Warm Springs Creek in the Deer Lodge Valley. Early in the spring of 1883, Mr. Daly bought several sites near the Warm Springs Creek. "The struggle for the possession of this water-right caused the estrangement of Marcus Daly and W. A. Clark who afterward became bitter political enemies," according to Mrs. Helen Fitzgerald Sanders,[42] but this incident, according to Charles P. Connolly, was subsequent to their first clash.[43]

The original smelter, known as the Upper Works Smelter, was located on the north side of the Warm Springs Creek, and by September, 1884, was ready to handle 500 tons of ore a day. Two years later improvements were made in the concentrator and Bruckner furnaces were substituted for the old hand roasters. These changes doubled the capacity.

The rapidly increasing production of the Butte mines dictated the increase of smelter capacity. In 1887 a new plant, known as the Lower Works, was built about a mile further east with a capacity of 3,000 tons a day. The first convertor plant, that is, a plant which would change matte to 99 per cent copper, of the Anaconda Company was built at the Upper Works in 1889, and three years later the lower plant was similarly equipped.

In 1886 the Butte Reduction Works was built on Silver Bow Creek just south of the town of Butte. This soon became the property of W. A. Clark and Brother who operated it for many years. Six years later, the Boston and Montana Silver and Copper Company built a smelter at Great Falls which by 1906 had been enlarged to handle 4,500 tons of ore daily.

Part of the copper produced in the United States and imported from other countries went into the manufacture of brass. The importation of copper in ores was reported at 4,149,412 pounds,[44] and the domestic production of copper including that produced from imported ores, was placed at 184,670,524 pounds. The consumption figures were:

34,415,360 pounds exported in ores.
19,735,666 pounds exported in pigs et cetera.
72,521,287 pounds rolled into copper forms.
9,822,731 pounds rolled into brass forms.

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[42] *History of Montana*, Lewis Publishing Co., Chicago, 1913. Page 456.

[43] Connolly (*McClures* 27:457) says Clark wrote to Walker Brothers that Daly's management of the Alice was unbusinesslike and extravagant.

[44] *Mineral Resources* 1887, p. 77.

10,000,000 pounds for railroad uses.
4,500,000 pounds for copper sulphate.
150,995,044 pounds total.[45]

Of the total, Montana produced about 42 per cent. The table below shows the contribution of the various Montana companies during the early period.[46]

The Secretan Syndicate

Montana copper producers in 1888 received a "Christmas gift" from France in the form of greatly increased prices. A certain M. Pierre Eugene Secretan (1836-1899) of Paris, attempted to corner the world copper market in 1887 by forming a syndicate to purchase all copper offered. In October, 1887, Chile bars sold in London at £44¼ a ton[47]; in December, at £75¾; in October, 1888, the price went to £102; but the following March the market wavered and the price fell to £78. the bankers associated with the Secretan Syndicate could no longer supply money to carry the enormous stock of metal. In April, 1889, the price fell to £39¼. Secretan, then bankrupt, was sentenced to six months imprisonment and a fine of 10,000 francs, the offense charged and proved being the improper use of funds to forestall the market.[48]

The only Montana producer making public statement of its operations at this period was the Boston and Montana Company. Its principal mines were the Mountain View, Pennsylvania, and Colusa. Including freight to the refinery, its production of 26,000,000 pounds of copper during the fiscal year of 1891 cost $8.26 per hundred pounds. This cost was on the metal laid down at the refinery and did not include the cost of the final processes. The silver by-product amounted to 255,856 ounces, which was worth then about $1.05 an ounce.[49]

The Boston and Montana Consolidated Copper and Silver Mining Company had been organized in 1886 by Thomas Couch, and incorporated under the laws of Montana in July, 1887.[50] This was

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[45] *Ibid.* 69, 79, 81, 83.

[46] Montana Copper Production Prior to 1893.

Mine	*1885*	*1889*	*1892*
Anaconda	36,000,000	61,647,000	100,000,000
Boston and Montana	7,500,000	26,425,228	30,386,595
Clark's Colusa	10,000,000		
Butte and Boston	————	1,103,125	10,641,269
Butte Reduction Works	2,500,000	2,560,000	2,864,000
Colorado Smelting and Mining Company	1,200,000	2,954,000	4,560,972
Parrott	9,809,000	9,500,000	12,438,782
All others	789,000	399,647	3,408,382
Total	67,798,000	104,589,000	164,300,000

These figures are available in Reports of Director of the Mint.

[47] The English pound (Libra) is an amount of money defined by them as the equivalent of twenty shillings, and has an exchange value of approximately $4.86 in American money. The English ton is the long ton of 2,240 pounds.

[48] *Engineering and Mining Journal*, 67:381.

[49] *Mineral Resources 1889 and 1890*, page 65.

[50] The directors were Joseph W. Clark, of Boston; Leonard Lewissohn,

a consolidation of the Mountain View and the Montana Copper companies. A little later it added to its properties the Colusa smelter at Meaderville, formerly the property of W. A. Clark.[51] In 1889, the company told C. O. Parsons to select a site for a new reduction works.

Abundance of water power and the proximity of the Belt and Sand Coulee coal beds led to the selection of a site a few miles below the Town of Great Falls at Black Eagle Falls. During 1890 and 1891 the company was engaged in building a great plant. The completed plant, costing nearly two million dollars, went into operation in March, 1892. It included the latest developments in smelting among them the "bessemerizing" process of M. Manhes, and, later, a complete electrolytic refinery.

The Boston and Montana Company shipped the raw ore to Great Falls and concentrated it there, where cheap water power could be had.[52] From the concentrator, the ores went to the smelters, conveniently arranged on the left bank of the Missouri, and thence to the electrolytic plant, where by electrolysis the copper was purified. The electrolytic plant was designed to handle a million pounds a month in its 288 vats. When put into operation it produced 1,600,000 pounds monthly.

Mining, in the State Constitution

On Washington's birthday, 1889, Congress at last saw fit to grant the people of Montana what they had long desired, namely, independent government. In fact, so anxious had they been for statehood that in 1866 a constitutional convention sat and produced a document which has never since come to light. It was taken to Saint Louis to be printed, it is said. Again, in 1884, when increase of wealth and population justified such a move, another convention sat under the presidency of William Andrews Clark, who was by far the most prominent citizen of the state. He had been sent as state orator to the Centennial Exhibition at Philadelphia. He had been grand master of the Masons of Montana. He owned mines and smelters and was reputed to be the wealthiest man in Montana.

Congress did not see fit to admit Montana to the Union under the Constitution of 1884 although the delegate made earnest efforts. Five years later, permission was given to draft a new constitution. Elections were held and delegates assembled at Helena on July 4 to draft the Constitution of Montana. William A. Clark was again chosen president of the body. Many of the members were lawyers, many were interested primarily in mining as a source of their livelihood, but a small majority were from counties that had little interest in mining. The five counties principally interested in mining, Beaver Head, Jefferson, Madison, Silver Bow, and Lewis and Clark, sent altogether thirty-three out of the seventy-five mem-

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of New York; Charles X. Larrabie, of Deer Lodge, Montana; Charles Van Brunt, of Boston; and A. S. Bigelow, of Boston. *Engineering and Mining Journal* 44:65.

[51] Helen Fitzgerald Sanders, *History of Montana*, page 457.

[52] For description of the Great Falls plant see *Mineral Resources 1891*, 94-97.

bers, but since the county delegations did not vote as units and the men from the mining counties were not all interested in mining it would be impossible to say that the mining interest was in a numerical majority.

This fact makes it the more remarkable that the mining interests should have been able to write into the constitution the following provision: "All mines and mining claims, both placer and rock in place, containing or bearing gold, silver, copper, lead, coal or other valuable mineral deposits, after purchase thereof from the United States, shall be taxed at the price paid the United States therefor,[53] unless the surface ground, or some part thereof, of such mine or claim, is used for other than mining purposes, and has a separate and independent value for such other purposes, in which case said surface ground, or any part thereof, so used for other than mining purposes, shall be taxed at its value for such other purposes, as provided by law; and all machinery used in mining, and all property and surface improvements upon or appurtenant to mines and mining claims which have a value separate and independent of such mines or mining claims, and the annual net proceeds of all mines and mining claims shall be taxed as provided by law." (Article XII, Section 3.)

This provision, it will be seen, did not exempt the mines from all taxation, as some people have ignorantly believed. It only exempted them from the taxation of unmined ore. Thus it permitted the holding of claims without working them, provided that they were not bought directly from the Federal Government. There remained for taxation all the capital invested in machinery and buildings used for mining purposes and all assets owned by miners which were not directly used for mining, as well as the net proceeds of operating. Every cent invested in smelters, hoisting machinery and pumping systems was liable for taxation for educational, municipal, county and state purposes.

The increased activity in mining had led to the organization of a new county called Silver Bow, in 1881, from the southern portion of Deer Lodge County. All of Deer Lodge County had only 8,876 persons in 1880. At the census of 1890 the new County of Silver Bow returned 47,635 in addition to Deer Lodge's 23,744. The population of Butte grew from 3,363 in 1880 to 10,723 in 1890, 30,470 in 1900 and 39,165 in 1910. The new town of Anaconda which grew up around the great smelter in the southern part of Deer Lodge, a town which had no existence in 1880, reported 3,975 in 1890, and 12,375 in 1900.

Development in Copper Mining 1890-1893

In 1890 two serious accidents hampered the development of the copper industry. The Anaconda smelter burned causing a replacement expenditure of $400,000. As if this were not enough, fire broke out in the Saint Lawrence and Anaconda mines, which were connected by a tunnel, and forced them to shut down. The mining timbers furnished a start, then the sulphur began to ignite. To fight the fire, these mines were flooded. The water formed sulphuric acid by dissolving the copper sulphates and this acid destroyed much of the underground machinery.

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[53] That is, by the original owner, not necessarily by the person from whom the tax was due.

A contemporary description gives some idea of the interior of these great mines. "The dip in the Anaconda mine is almost vertical for 400 feet, when it changes and varies from sixty to seventy degrees south. The width is not uniform. In the Never Sweat mine, at the west end of the lode, it consists of a number of parallel veins, rarely exceeding fifteen feet in width, with spurs about five feet wide. In the Anaconda mine, the main vein is from twenty-five to forty feet in width, decreasing to five feet as it travels eastward through the Saint Lawrence into the Mountain View mine, although in places on the thirteen hundred foot level of the Saint Lawrence it is fifty feet wide."[54]

Trouble with the transportation of ores from Butte to Anaconda arose in 1891. The Montana Union Railroad had been carrying the ores but their rates were not satisfactory. Hence the Anaconda Company decided to build its own railway and the Butte, Anaconda and Pacific was organized and built, as far toward the Pacific as Anaconda.

The Lexington was having a different kind of difficulty, namely shortage of ore. By the end of 1891 it was dependent upon custom ores to keep its smelter running in spite of the fact that it had spent lavishly in developing the Lexington mine and searching for ore. In September, 1894, the Butte *Inter Mountain* said that the Lexington would probably be closed down entirely for an indefinite period. During the preceding year leasers had been at work in various parts of the mine, and at the existing price of silver could not make wages. The mine had once been worked to a depth of 1,500 feet, but the pumps had been removed little by little until the water was allowed to reach the 800-foot level. On the ninth the mine was closed, but at a stockholders' meeting it was declared that operation would be resumed in the spring. Its latest dividend had been paid in July, 1893.[55]

The enlargement of the smelters brought new problems to the City of Butte. One of its citizens complained thus, "Regarding the future of Butte as a mining camp, everything points to continued and increased prosperity for a great many years to come. As regards Butte as a city, its prosperity must depend considerably upon its ability to get along amicably with the great companies operating here. At the present writing the city is suffering from the smoke from the smelters, and the real estate men, who think that if there were no smoke in Butte real estate would advance 50 per cent in value, are at the head of a movement to fight the Boston and Montana Company and to interfere with its smelting operations. It is deplorable that these citizens carry sufficient weight to engender a feeling of hostility against the smelters among a section of the citizens of Butte."[56]

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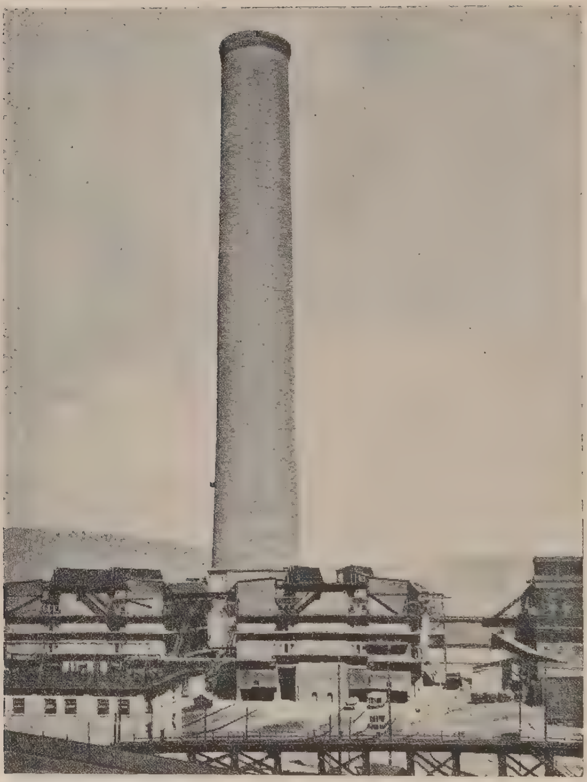
[54] Eugene B. Braden, Assayist in charge of the Helena office United States Assay, in *Mineral Resources*, 1889, p. 140.

[55] *Engineering and Mining Journal*, 58:229, 255.

[56] *Engineering and Mining Journal*, 53:58. January 2, 1892.



THE WORLD'S BIGGEST SMOKE STACK, ANACONDA

This complaint arose from the fact that it had been customary to roast the ore in open heaps. This process gave off huge clouds of sulphur-bearing gases much to the discomfort of every one in the vicinity and to the destruction of all vegetation. To improve this situation the City Council, in 1891, provided that all roasting should be done under stacks not less than seventy-five feet in height. Thereupon the Butte Reduction Works, a Clark property, erected a flue 112 feet high which would carry off the fumes of 2,500 tons of ore burning at one time.

About this time the Butte and Boston smelter was increased in size to produce two million pounds of copper monthly. The Butte and Boston Mining Company had begun operating 1 September, 1888. Up to 15 April, 1892, it had produced thirty million pounds of copper; 792,000 ounces of silver; and 2,639 ounces of gold. Its heavy production of copper did not begin until February 1891. During this time it earned some $681,000, which it reinvested, together with proceeds from the bond and stock sales in its plant, so that it was in position by the fall of 1892 to handle 1,500,000 to 2,000,000 pounds monthly. In the spring of 1892, it lost its smelter by fire but immediately rebuilt it.[57]

The Anaconda Mining Company fell into sore financial straits during the hard times of 1891 and 1892. Heavy fire losses and low prices of copper together with the tying up of large quantities of capital in improvements without a corresponding increase in production, all had made financing difficult. Several times within the preceding three years, its principal owner, Mr. James B. Haggin, had tried to sell the mine and had failed. About six million dollars had been sunk in the venture and this was thought to be equivalent to the proceeds. Its operation had been irregular; when prices were good the mine was worked, when poor, it was closed.[58]

Notwithstanding these discouragements, Daly, beloved by his workmen and a genius in mining, continued a large production at the smelters. In 1892 the Anaconda produced 100,000,000 pounds of fine copper, thus becoming the heaviest producer in the world. On December third, they announced that the shafts of the Wake Up Jim and Green Mountain were being sunk from the 600 to the 1,000 foot level.

All of these improvements were made in spite of the fact that during the preceding summer American and European copper producers had agreed to restrict output in order to reduce the stock of copper on hand and thus better the price in the future. Messrs. James Lewis and Son, of Liverpool, announced that the Americans had agreed to restrict their export to Europe to 40,000 tons annually and the European producers to reduce their output by five per cent.[59] One of the benefits derived by the historian of the industry is from the agreement made by these gentlemen that John Stanton of New York City should be furnished with accurate figures of copper production. After this time copper statistics were much more dependable.

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[57] Treasurer's Report *6*, July 1892. Quoted in *Ibid.* 54:63.

[58] *Ibid.* 54:422 October 29, 1892.

[59] *Ibid.* 54:116.

Mr. Haggin reconciled the expansion policy of the Anaconda Company with the agreement to restrict production by saying that they would export no more matte. "The Anaconda Company * * * has arranged for the electrolytic treatment of its product at Baltimore. The Baltimore Electric Refining Company has decided to largely increase its works and has already contracted to double its tankage. * * * While the output of the Anaconda mines will for the present be reduced, the treatment of all material in America, instead of, as heretofore, sending a large part of it abroad in the form of argentiferous matte, will add largely to the employment of labor at the smelting and refining works and thus compensate for the reduced force in the mines."[60]

The summer and fall of 1893 was a hard time for the copper industry at Butte. Of the seven smelters, only two were running. "Just five months ago over 9,000 men were working in Silver Bow County. For the past three months less than 500 have had steady employment."[61] The Montana Ore Purchasing Company started its convertors on September 23rd following a short shut down for repairs, employing 140 men. The Lexington started thirty stamps about the first of November; other producers slowly resumed and conditions were somewhat better during the winter. Copper, however, was selling as low as nine cents in November—a price which left practically no margin of profit.

The Coming of Heinze

The Montana Ore Purchasing Company, to which reference was made above, had been organized a short time before by Frederick Augustus Heinze. Mr. Heinze had received the degree of Mining Engineer from the Columbia School of Mines in 1889, at the age of twenty years. He then went to Butte as a member of the engineering staff of the Boston and Montana Company, with whom he remained for two years. Returning in 1891 to New York he took a position on the editorial staff of the *Engineering and Mining Journal.* After his death, a fellow journalist recalled that he was "the only man who habitually came to the office wearing a top hat and frock coat. He was at that time a handsome young fellow, genial in manner, popular among his associates, but exhibiting no great liking for hard work and being especially averse to anything confining."[62]

On the sixth of June, 1891, the *Engineering and Mining Journal* announced that Heinze had gone to Montana on professional business, and a few months later, Mr. Heinze, the "manager of the Ramsdell-Parrott mine" visited New York City. The death of his father in 1892 left him about $50,000 which enabled him to return to Butte and carry out his ambition to operate a custom smelter.

In 1893 he organized the Montana Ore Purchasing Company, with an authorized capital of 100,000 shares at $25, of which 20,000 remained unissued as late as 1901. Its first dividend of one dollar on 40,000 shares was paid in January, 1895. In 1893 he had built a custom smelter, hence the name "Ore Purchasing," and leased the Rarus and Glengarry. In 1895 he went to Canada and for a short time operated there in similar fashion. It was said that the Canadian Pacific bought him out for $1,200,000. These funds contributed much to that phenomenal rise to prominence in Montana copper which must be reserved for a later treatment.

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[60] *Engineering and Mining Journal,* 54:25, July 9, 1892.

[61] *Ibid.* 56:352.

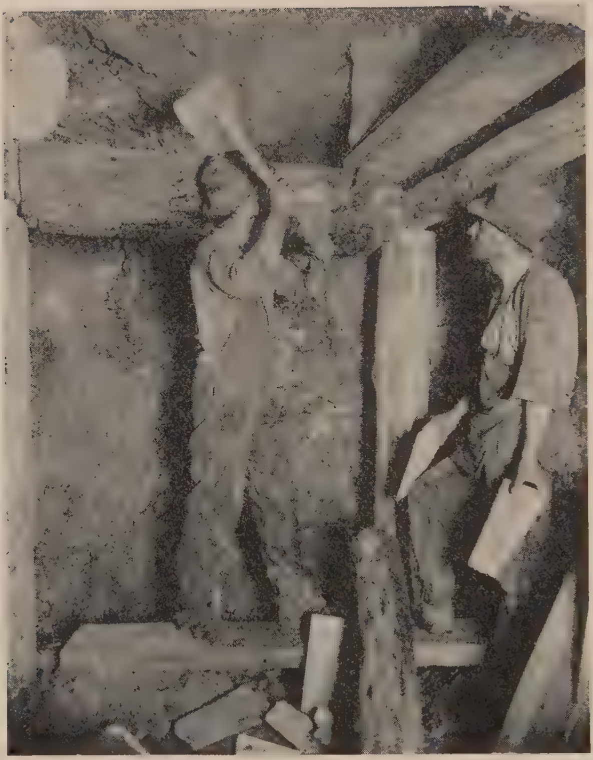
[62] *Ibid.* 98:880.

The Federation of Miners

The various producers of copper and silver were engaged in bitter competition without any kind of an employers' association, an organization which often springs up where large bodies of men are hired for similar industries. The workingmen, on the contrary, had formed the Butte Miners Union as early as 13 June, 1878. By 1893, 3,000 underground workers were associated in this union. Their object was stated to be "the elevation of the miner and the maintenance of his rights; to enable them to better practice those virtues that elevate man and adorn society." The initiation fee was $5 and the monthly dues $1. They paid a sick benefit of $10 a week for ten weeks and members disabled so as to prevent work received $100 a year. Funeral expenses up to $90 were paid for deceased members.

Representatives of several miners' unions of the Mountain States met at Butte, May 8, 1892, and formed the Federation of Miners with headquarters in that city. Their object was stated to be to secure for their members a fair compensation for their labor; to secure the passage of laws to prevent needless risks of life and health; to secure pay for labor done in lawful money and to abolish any compulsion of employees purchasing supplies from their employers; to procure the use of suitable and efficient safety appliances; to labor for enactment of suitable mining laws, with inspectors who are practical miners; to provide for the education of children by prohibiting their employment until they shall have obtained a satisfactory education, and in every case until they shall have reached sixteen years of age, "to prevent by law any Pinkerton detectives, or other armed forces, except the lawfully elected and appointed forces of the state (who shall be bona fide citizens of the county and state) from taking possession of any mine, * * * to use all honorable means of maintaining friendly relations between ourselves and our employers and endeavor by arbitration and conciliation to settle such differences as may arise between us and thus making strikes unnecessary"; to abolish the system of convict contract labor; to demand enforcement of the foreign contract labor law, to protect American miners and mechanics against imported pauper labor; to demand repeal of all conspiracy laws which in any way abridge the rights of labor organizations; to procure employment of our members in preference to non-union men.

The mill and smelter men had their separate Union, also the stationary engineers had their Brotherhood. Wages for common miners in 1893 were $3.50 a day,—their foreman received as high as $5.80 and the tool-passers only $3. Other positions varied in



UNDERGROUND MINING

A hazardous occupation. Every effort is made in Montana to reduce this risk to a minimum, and a workingman's compensation law provides generously for the care of those injured in this essential occupation. Montana mines are carefully timbered and accidents are few.

their wages above and below the miners in proportion to skill required. Board and room was available at $7 a week. In evaluating the relation between wages and cost of living it must be remembered that employment was irregular. Various matters, for example, the re-timbering of shafts, often caused a temporary closure of the mines.

The Bureau of Agriculture, Labor and Industry solicited opinions from the miners as to what labor legislation was needed. A most interesting difference of opinion resulted. The great majority favored shorter hours or an eight hour working day. The second major demand was for a law providing for the free coinage of silver. A few desired better ventilation of the mines. Only one asked for higher wages; he thought he should have four dollars a day for wet mining, instead of the customary $3.50.[63] By wet-mining is meant working in a place where ground-water is dripping on the workman. This water is highly acidulous and, therefore, uncomfortable, for sulphuric acid attacks and destroys both clothing and skin.

Exhibit at the World's Fair

By this time, 1893, the Montana copper industry was well established and assured of a prosperous future if sufficient capital could be obtained to keep operations under way. Hence, the opportunity presented by the invitation to participate in the World's Columbian Exposition to be held at Chicago found a ready response, and the men of Montana who were interested in copper were glad to assist in making a spectacular and impressive exhibit. The State Legislature appointed a commission and voted $50,000, a sum which was supplemented by private and corporate generosity.

When visitors began to arrive at the Montana exhibit they saw at the entrance a statue of Justice, without the usual blindfold, cast in solid silver worth $75,000. This lifesize figure stood upon a plinth of gold worth $225,000. The silver belonged to Ex-Governor Samuel T. Hauser and W. A. Clark, while the gold came from Spotted Horse Mine, at Maiden. After the exhibit was closed, the metal was reduced to bullion and returned to its owners.

A beautiful lot of crystals of native silver from the 1400-foot level of the Elkhorn Mine, Jefferson County, was a part of this exhibit. Montana sapphires, rubies, and garnets made an excellent showing, together with the large display of gold nuggets and quartz. The Parrott Silver and Copper Company showed all stages of manufacture from raw ore to ingots, wire, and rods.[64]

Summary: 1882-1894

In the period of early development, the mines of Montana revealed an abundant supply of copper, but the ores were refractory, and in spite of their richness, the cost of transportation of the raw ore ate up the profit. Hence the suggestion of W. A. Clark to the Colorado Company that a smelter be erected in Montana is a most important factor in the beginning of commercial copper production. The coming of Daly and his development of the Anaconda make another important episode, while the introduction of corporate capital from the East by the Boston and Montana Company is worthy of attention.

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[63] These paragraphs concerning labor are all based upon the First Annual Report of the Bureau of Agriculture, Labor, and Industry of the State of Montana, 1893.

[64] Among the other Montana products shown were: coal, bismuth, antimony, tin, platinum, vanadium, and other rarer metals.

The Organization of the Great Corporations

Because the citizens of Montana did not have among themselves the necessary funds to provide for the concentrators, smelters and refineries necessary to work low grade cupriferous ores, the copper industry of Montana in its second decade showed an increasing tendency to absorb foreign capital. As this foreign capital came in, it became necessary to incorporate larger companies, the first of which was the Boston and Montana Consolidated Copper and Silver Mining Company, formed in 1887. Another early corporation, the Anaconda Silver Mining Company, was a close corporation, owned by the partners Haggin, Hearst and Daly, and the problem of its finance had been a heavy one.

The Anaconda Copper Mining Company

Without any waving of flags or beating of drums, the Anaconda Copper Mining Company was formed 18 June, 1895. Instead of the names of the principal owners, the names of Moses Kirkpatrick, William Scallon, and Malcolm B. Brownlee appeared as incorporators.[65] This new company took over all the assets of the old organization and the Anaconda Silver Mining Company disappeared. The properties of the new company included the Never Sweat, Anaconda, Saint Lawrence 1 and 2, Bell, Diamond, High Ore 2, Green Mountain, and the Mountain Consolidated 1 and 2. These were held in 1,200,000 shares at $25 each.[66]

There were rumors in the London copper market, in the summer of 1895, that the Anaconda mines were to be sold to an European syndicate. Several years previously, negotiations were made with the Rothschilds for a sale at $25,000,000 but the new rumors said that the Chambers syndicate mines would be included at a price of thirty millions. The vendors, it was said, would guarantee profits of ten per cent for three years.[67]

In October, the sale of a quarter interest was completed when the London syndicate bought $7,500,000 worth at par from the Hearst estate. With this transaction Anaconda ceased to be a close corporation. It had been owned almost exclusively by James B. Haggin, Marcus Daly and the estate of George F. Hearst, who died in 1891, but now with a broader ownership, the public would have to be informed more fully of the company's activities.[68]

Prior to this time there had been no listing of stock or annual reports, now, October, 1895, came a detailed report of operations since 1 February, 1891. From that date the certified report as of 30 June, 1895, showed the net earnings to 30 June, 1895, to have been $10,147,555. A stock dividend of two millions reduced the final balance to $8,461,037.[69]

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[65] Records of the Secretary of State of Montana.

[66] Horace J. Stevens, *Copper Hand Book* Volume II (1902), Houghton Mich. p. 294.

[67] *Engineering and Mining Journal*, 60:287.

[68] *Ibid.* 60:289.

In June, 1896, the remainder of the holdings of the Hearst estate, 270,000 shares, were bought by the Exploration Company, Limited, of London at $27 a share. This, combined with their previous purchase, gave the London corporation nearly one-half the stock of the company.[70] The money thus derived by the Hearst estate went largely to the enrichment of the University of California through the generosity of Mrs. Hearst.

On the first day of 1896 the Anaconda Company began operation of their new electrolytic refinery, built under the supervision of Mr. Herman Thofern. Sixteen tubular boilers furnished steam for its operation, and this power was transformed into 3,000 horsepower of electricity to supply the current necessary for the electrolysis. The tank house contained 600 electrolytic tanks capable of handling more than a hundred tons of copper daily. The refinery could be expanded to take twice this amount by the addition of other dynamos. The cost of this process, with labor at $3 a day, was about $14 a ton. This price included the salvage of whatever gold and silver was in the anodes. In the fall of 1896 the anodes were of copper 98 per cent pure, with silver running about 110 ounces and gold one-third ounce to the ton.[71]

Activities of Other Butte Coppers

The competitor of the Anaconda interests, Mr. William A. Clark, was also looking for new finance. Accompanied by his general mining superintendent, he was in Paris, said to be trying to sell his mining interests.[72] These rumors were probably false. At any rate the sale of Clark's entire interest was not made, although he may have obtained additional capital. For, after this visit, additions were made to the concentrator at the Colusa-Parrott; the Original got a new hoisting engine, air compressor and other replacements; and the Butte Reduction Works increased its daily capacity from 200 to 500 tons.[73]

The old Minnie Healy property was also active. In March, 1896, a syndicate composed of James Finlan, Patrick O'Neill and Frank Wilson was formed to proceed with its thorough development. The shaft, now 250 feet deep, was to be sunk a hundred feet deeper with crosscuts extending 250 feet south into three leads known to lie within this claim. The leasers were to work the claims for thirteen months, with the privilege of purchasing it for $100,000 at the expiration of that time. They ran a tunnel or "drift" at the 350-foot level and struck a lead of ore containing 50 per cent copper.[74]

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[69] *Ibid.* 60:584.

[70] *Ibid.* 61:561.

[71] For complete description of the plant see *Engineering Mining Journal* 62:271-272.

[72] *Ibid.* 61:142. These consisted of Colusa-Parrott, Original, Fashion, Burt, Woolman, Home, one-fourth interest in Gold Hill, Mount Moriah, Joseph, Acquisition, Spur, Skip, Lots 56A and 56B, Acquisition No. 55, Little Treasure and Stewart. The first and last were distinctly copper properties, but the others were mainly silver.

[73] *Ibid.* 63:123.

In April, 1896, F. A. Heinze transferred to his brother, Arthur P. Heinze, all the Butte properties which stood in his name. One deed, in consideration of $200,000 conveyed the Liquidator concentrator; the other, for $300,000, conveyed all his personal interests in the Rarus, Johnstown, and Pennsylvania mines and claims.[75] This transfer did not in any way affect the Montana Ore Purchasing Company which continued to be very active. In order to buy new property and extend its work, it mortgaged all its property in March, 1897, to secure an issue of 6 per cent bonds in the sum of $1,500,000.[76]

The Butte and Boston was in serious financial troubles, thought by some to have been brought on deliberately by some of the owners in order to force reorganization and thus squeeze out small investors. Suit was brought by Edward C. Perkins of Boston, as the assignee of a group of Eastern creditors, for claims totaling $406,516, and all the property in Montana, including thirty-seven quartz lode claims and developed mines.[77] The interest payments due March 1st were defaulted, and, after a receiver had been appointed, the bond holders called for a reorganization.[78] As a result of this default, Judge Knowles, of the United States Circuit Court at Butte, decreed the foreclosure of the first mortgage held by the Massachusetts Loan and Trust Company in October. The property was to be sold in bulk.[79]

Despite these financial difficulties production of ore from this property was continued by lessees and the Boston and Montana Company was paying a thousand dollars a month rental for the smelter. Thus the property could be kept drained and in good order.

In December, the reorganization committee reported a plan of finance which included an assessment of $10 a share to pay the past due interest, the judgment against the property not covered by the mortgages, and the floating debt. The residue was to be used to purchase "such securities of the present company as the committee may see fit to acquire." A new mortgage was to be issued to retire the old bonds.[80]

The property of the Butte and Boston was sold at auction February 1, 1897, to E. Rollins Morse, chairman of the reorganization committee, for $1,050,000 cash and the assumption of all liens and claims amounting to $2,500,000. There were no other bidders.[81] The committee placed Mr. Frank Klepetko, superintendent of the Boston and Montana, temporarily in charge of the property.

On the 18th of February a new company, known as the Butte and Boston Consolidated Mining Company, was formed with a capital stock of $2,000,000. Its directors were Albert S. Bigelow, Thomas Nelson, Leonard Lewissohn, Charles Van Brunt, Edward P. Perkins, Clarence H. Bissell, and Edgar Buffman.[82] The Butte and Boston was thus given an interlocking directorate with the Boston and Montana for Frank Klepetko, the superintendent, with A. S. Bigelow, Charles Van Brunt, Joseph S. Bigelow, John G. Ray, Leonard Lewissohn and Thomas Nelson constituted the control of the last-named corporation. This fact should be borne in mind for it explains certain future developments.

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[74] *Ibid.* 61:309, 526.

[75] *Ibid.* 61:334.

[76] *Engineering and Mining Journal,* 63:290.

[77] *Ibid.* 61:251, 262.

[78] *Ibid.* 61:287.

[79] *Ibid.* 62:400.

[80] *Ibid.* 62:614.

[81] *Ibid.* 63:146.

Almost immediately preparations were begun at their Blue Jay mine for resumption. This shaft was down 650 feet in good ore at the bottom but said to be fairly well exhausted above that level. In the West Gray Rock about half of the 700-foot shaft was filled with water and preparations were begun in March to pump this out. The East Gray Rock was down 1,450 feet, and was being equipped with pumps to enable it to be sunk and drained still deeper.[83]

In the summer of 1897 the Butte and Boston started its smelter once more. A comparatively small amount of ore was being hoisted, the management preferring to prospect and develop new ore bodies for large future production.

Messrs. Haggin, Daly and D. S. Bricker also owned a close corporation called the Washoe Copper Company. In August, 1896, it owned the Gold Hill, Washoe, Poulin, Estella, Moonlight, and Blue Jay fractions, amounting in all to some 60,000 acres of land. These properties were all developed to a great depth, were well equipped and were known to contain large ore bodies, but were not being worked, except where certain claims had been leased to the Anaconda Company.

By the end of 1896 the copper industry in Montana was quite prosperous. Employment was steady and prices for metal were very good. Several of the older mines, such as the Green Mountain, Anaconda, and Saint Lawrence were raising large quantities of ore from their levels below 1,000 feet. New machinery was replacing worn-out or obsolete equipment, the Boston and Montana built a new powerhouse at its reduction works to furnish an additional current for its electrolytic refinery and had a new blast furnace under construction. The Parrott and Butte Reduction Works each made large improvements.

The total copper product for Montana for the calendar year 1896 was placed at more than 221,000,000 pounds or nearly half the copper produced in the United States. From their share of this production, Anaconda paid $3,000,000 in dividends, and Boston and Montana paid half that amount or 40 per cent on their investment.

Legislation 1889-1899

Prior to this time there had been little legislation affecting the mining industry. In 1889 appeared the first report of the state inspector of mines. According to the law instituting this office, the inspector of mines was to be theoretically and practically acquainted with mines and mining in all its branches. He and his deputy were both forbidden to hold these positions while an employee or officer of any mining company. Their duties consisted of inspecting every mine in the state in which five or more men were employed, and when unsafe conditions were noted to report the same to the employers. Also they were to investigate every fatal accident occurring in mines.

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[82] *Ibid.* 63:195.

[83] *Ibid.* 63:242, 265, 313, 386.

An early law had provided that cages must have safety bonnets. The 1897 Legislature provided in addition that mining cages on shafts deeper than 300 feet used for carrying men up and down must be enclosed with sheet steel or netting and be equipped with gates. Cages had heretofore been built as light as possible, and, therefore without sides. Also these cages must have a safety apparatus capable of holding a loaded cage, so that if the hoisting apparatus broke, the cage might not drop. Violations for these provisions called for a fine of from $300 to $1,000. For alleged violation of this law, the state mines inspector, on 3 December, 1898, brought suit against the Anaconda Company alleging that the shaft of the Mountain Consolidated No. 2 was not properly equipped. The company was convicted and appealed but lost their case in the Supreme Court.[84]

The Legislature of 1897 also provided that quartz mines employing nine or more men underground in a mine of more than a hundred-foot depth "and who shall have the top of such shaft or hoisting opening covered or enclosed by a shaft or building which is not fireproof, and who shall have drifted * * * a distance of 200 feet or more, after cross-cutting * * * and shall have commenced to stope," should provide and maintain a separate escapement shaft, or an opening into a contiguous mine, under penalty of a thousand dollars fine.

Transfers and Reorganizations

The owners of the Lexington, the Societe Anonyme des Mines de Lexington, had been obliged to depend principally upon custom ore to keep its mill running, its own property not being able to produce sufficient ore. The company had expended large sums of money in developing its mine and in searching for ore but it had met with little success. In the summer of 1897, the Societe Anonyme sold this well-known property. The deed was made out to a M. Berthemet in consideration of $50,000, the new owners assuming the judgment of $125,000 due the Butte and Boston for ore extracted from their property.[85] Later the Lexington secured an order granting a new trial, against which the Butte and Boston appealed to the Supreme Court, but that body upheld the lower court in ordering a new trial.[86]

On 26 November, 1897, articles of incorporation of the Colusa-Parrott Mining and Smelting Company were filed at Helena. The capital stock was stated to be $1,000,000 divided into $100 shares. The incorporators were W. A. Clark, Charles W. Clark, Alex

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[84] *23 Montana*, 498.

[85] *Engineering and Mining Journal*, 53:57; 64:259, 407.

[86] *23 Montana*, 177.

Johnston, and Arthur Wethey.[87] A deed conveyed from the Clark brothers to this company the Smelter placer claim, the Colusa-Parrott and the Parks-Parrott lodes, the Butte Reduction Works and the Butte Ore Purchasing Company. [88] In other words, Clark had incorporated his holdings in Butte into one company.

About this time all the copper producers were worried by the steadily decreasing price of silver, for this by-product of copper mining had been an important source of revenue, particularly in the earlier days. This lowering of price is to be attributed to the great increase in production rather than to the failure of the Federal Government to continue the purchase of silver at the rate fixed in the Bland-Allison Act of 28 February, 1878, which had been repealed by the Act of 14 July, 1890. From 1833 to 1890 silver was always worth more than a dollar an ounce; but from 1870 it had shown a steadily decreasing value.[89]

Beginnings of Hydro-Electric Power

An important subsidiary to the copper industry was inaugurated when on 4 July, 1896, the Helena Water and Electric Company began a dam at Canyon Ferry fifteen miles northeast of the capital. The four turbines were constructed to produce 4,000 horsepower, which was to be used not only by the Helena Street Railway and private consumers but also by the United Smelting and Refining Company at East Helena.

The following year, on 1 September, 1897, the Montana Power Company began a dam on the Big Hole River which was designed to furnish electricity for Butte, twenty-eight miles away. This dam was to be fifty-six feet high and 500 feet long. The four turbines here installed were expected to furnish 4,800 horsepower. Twenty miles above, a storage dam was built to hold a billion cubic feet of water, for the Big Hole River fluctuated greatly during the year.[90]

The Industry in 1898

During 1898 the Boston and Montana continued its expansion program. The latest types of equipment were placed in the Great Falls smelter, two new blast furnaces were completed and a new reverberatory furnace was in operation. The capacity of the electrolytic plant had been increased to 4,000,000 pounds a month.[91] There were rumors in the summer and fall, which later proved

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[87] *Engineering and Mining Journal*, 64:707.

[88] *Ibid.* 64:767.

[89] The following table shows the value at various periods of an ounce of silver.

In 1850	$1.316	In 1890	$1.046
1860	1.352	1895	.654
1865	1.338	1896	.676
1870	1.328	1897	.604
1875	1.242	1898	.590
1880	1.145	1899	.601
1885	1.065	1900	.620

From *Report of Director of the Mint*, 1902, p. 168.

[90] *Engineering and Mining Journal*, 65:218.

[91] *Mineral Resources*, 1898, p. 180.

to be true, that the "Standard Oil crowd" were buying the Boston and Montana. The stock, due to heavy buying, rose steadily, but nothing was announced to the public.

The sales of metal by the Anaconda Company in 1898 exceeded its production. Although it was able to pay 10 per cent dividends and have some money left to go into the surplus, the annual report was not as favorable as formerly. President Haggin explained the losses as follows: "A larger expenditure for new plant at the reduction works; considerably diminished price of silver, with only a slight increase in the price of copper, and increased expense per pound of copper produced. A fire during the year destroyed the bunkers and washing apparatus at our coal mines, involving a loss of $103,497, which was charged to operation. Much extra expense was incurred in mining in the Anaconda lode by sinking of the various shafts and on account of the breaking out again of the old fire. * * *"[92]

The report of Superintendent Daly discussed the fire at some length, saying that it had prevented the extraction of ore, and had reduced the grade as well as the quantity of what was shipped, as the closed portion of the mine contained a higher grade of ore than the open portion. The fire was not of great extent, and the greatest difficulty was caused by the gases thrown off. This fire had been smoldering for years and the operators, supposing it to have been extinguished, had taken out the bulkheads from that portion of the mine with the view of taking ore from the stopes. When the air penetrated the fire district, little patches that were still smoldering broke out afresh and threw off so much gas that the men were driven from the workings, necessitating the replacement of the bulkheads. Water was purchased from the city water works, and with all the available mine water the fire was entirely extinguished. The pumping machinery was supplemented to handle the increased volume of water, but they were unable to keep the lower levels from flooding. The work of reopening this portion of the mine had begun prior to the preparation of the report; and

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[92] The following statistical table prepared from the Company's published reports will illustrate the trends discussed by President Haggin.

Sales for three years—

		Copper, pounds	Silver, ounces	Gold, ounces
1896	Quantity	85,476,795	4,498,560	14,384
	Price	$10.03	$67.91	$20.62
1897	Quantity	120,864,097	6,057,067	18,571
	Price	$10.70	$64.08	$20.65
1898	Quantity	135,002,147	5,706,377	19,930
	Price	$10.82	$56.73	$20.67

The total cost of mining and treatment in 1898 was $7.89 per ton of ore. To obtain 124 million pounds of copper 1,459,249 tons of ore were raised and worked. Sales were as follows: copper, $14,605,589; silver, $3,237,278; gold, $411.983; total, $18,254.850.

The expense report showed the following as some of the larger cost items:

Labor	$3,376,502	231.4 cents per ton
Freight	452,081	31
Timber	429,886	29.5
Coal	207,861	14.2
Powder	147,296	10.1
Salaries (including management)	96,280	6.6

Among the smaller items were Taxes, $70,980; Personal injuries, $36,414.

the water had been lowered. The drifts had been filled with debris from the flooding and much work was necessary to clean the mine and put it in condition to produce the maximum quantity of ore.[93]

In 1898 the production of Montana copper declined. It had reached 230 million pounds in 1897 but in this year the total was only 206,173,157. The Lake Superior interests had long been pessimistic about Montana ore supplies. Now a similar note creeps into the official report of Charles Kirchhoff. The production of the Butte district had been falling off; some of the deeper mines had suffered from a steady decline in the copper contents, until some were treating ore as low as 2½ to 3 per cent in copper. Large new bodies had been opened, however, in more recently worked claims, some of which were not available for immediate production, being tied up by litigation, while others were held in reserve. The opinion, said Mr. Kirchhoff, was gaining ground in the copper industry that Butte was approaching its maximum and no notable further increase in output could be expected without elaborate additions to concentrating and smelting equipment.[94]

POWER PLANT, GREAT FALLS

The waters of the Missouri are impounded at Great Falls to furnish electrical power for hundreds of farms, lighting the cities of Great Falls, Helena and Butte, and operating the mines of the Helena-Butte district.

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[93] Daly's complete report is published in the *Sixth Annual Report of the Bureau of Agriculture, Labor and Industry* (1898, p. 159), also in *Engineering and Mining Journal*, 66:400.

[94] *Mineral Resources*, 1898, p. 179.

State Inspection of Mines

Although the copper industry had grown enormously in the two decades of its history, its wastage of human life, as shown by the reports of the mine inspector, was reduced as the industry grew. The mine officials must have been very careful to keep the workings safe, for the number of accidents did not keep pace with the number of men employed. The history of copper mining in Montana for the decade ending in 1899 was remarkably free from cave-ins, breaking of hoists, and other serious accidents which take heavy toll of human life.[95]

"A careful consideration of the various causes of accidents," wrote John Byrne, "shows such a large percentage occurring to miners engaged in stoping out ground as to convince anyone that the methods only too often practiced of carrying and working stopes so close to each other is unnecessarily dangerous. A familiarity with the conditions existing in the mines of Silver Bow County and with the effect that the drilling of holes and blasting of same in the upper stopes has on the roof of the stopes immediately below them (when such stopes are close together), convinces me that a regulation providing for a specified distance between stopes is necessary to produce a condition for the mine employees which may be considered reasonably safe. The regulations provided for in the official notice handed you herewith are not unreasonable and a compliance therewith can neither cause an inconvenience nor work a hardship to the mine management.

"Let this serve as a notification that on and after this date where several stopes are being worked one above another in any mine in the district of Silver Bow County, and being driven and worked with less than twenty-five (25) feet of timbered ground between each and every stope, said stopes shall be considered in a dangerous condition and are hereby forbidden under the authority vested in me by Sections 584 and 585 of the Political Code of the State of Montana."

The inspector recommended to the State Legislature an amendment to the law of 1897 requiring closed cages including the following: (1) the maximum rate of speed should be 800 feet per minute for closed cages; (2) cross heads should not be less than six feet; (3) stoping up to a shaft should be forbidden and a pillar should be left to insure safety of the shaft.[96] The Legislature did not at once adopt these recommendations, but later they became a part of the law of Montana.

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[95] The reports of the mining inspectors were as follows:

Year	Men Employed	Fatal Accidents	Percentage
1893	5,312	29	.00546
1894	7,082	27	.00381
1895	8,758	41	.00468
1896	7,727	64	.00828
1897	9,825	52	.00529
1898	11,096	48	.00432
1899	12,316	49	.00397

[96] John Byrne, *Annual Report of Inspector of Mines, 1900,* pp. 15-17.

Litigation

The judicial system of Montana was from the earliest times an important consideration of the copper industry and during the late '90s became vastly more important. The increasing competition led to greater acrimony and it was difficult for the jurist to separate right from wrong. Those cases which involved Federal law went to the Federal District Court at Butte, presided over by Judge Hiram Knowles, from 1890 to 1904. Those which involved state law went before Judge John Lindsay (1897-1901), William Clancy (1897-1905), E. W. Harney (1901-1905), or John B. McClernan (1901-1907). Many times an appeal was taken to the Supreme Court of Montana, and then the sterling character and legal ability of those men was often tried to the utmost in the vigorous contests of the young industry.

Trouble began on the 8th of April, 1897, when the Michael Davitt claim was offered at public sale by order of the District Court. This claim lay between the Snohomish, belonging to the Butte and Boston Company, and the Pennsylvania, belonging to the Boston and Montana, and adjoining the Rarus. The owners of the Snohomish and the Rarus put up a strong fight for this fraction of a claim and the latter, the Heinze interests, were victorious, getting it for $351,100.[97] For some reason unknown to the public the purchasers, after paying only $10,000, did not see fit to complete their purchase. On 3 November, the property was auctioned again, the Montana Ore Purchasing, the Anaconda, and the Butte and Boston all contesting for it. The property went to the last named for $601,000.

Another legal battle opened when the Montana Ore Purchasing sued the Butte and Boston to compel conveyance to the plaintiff of ten acres of land on which the Heinze smelter stood. It was alleged that an agreement to sell had been made 16 November, 1892, by which the price was fixed at $36,000, with option to run for five years. The court issued a temporary injunction restraining Mr. Morse, the chairman of the Butte and Boston reorganization committee, from otherwise disposing of the property.[98] Thereupon the defendants, the owners of the Pennsylvania (Boston and Montana and Butte and Boston) secured a temporary injunction preventing the owners of the Rarus from extracting ore through the Rarus from the vein which ran under the Pennsylvania. The result of this will be described later.

In July, 1897, the Parrott interests brought suit against the Anaconda, Boston and Montana, and Montana Ore Purchasing companies alleging the infringements by them of the Manhes patents of which the Parrott Company was the sole licensee in America. They asked for damages since March, 1892, * * * the date of patent, but the union of the contesting parties in the Amalgamated Copper Company in April, 1899, apparently brought about a settlement.

A case not so easily disposed of was before the courts at this time. For some time past the Montana Ore Purchasing had not been "in love and charity" with their neighbors, the Boston and Montana, but to explain this matter one must revert to the law of 1872.

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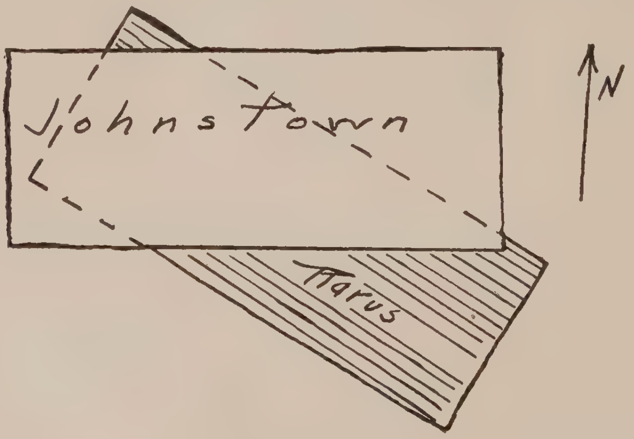
[97] *Engineering and Mining Journal*, 63:386.

[98] *Ibid.*, 63:386.

The mineral deposits law of 10 May, 1872, had recognized the right of miners to make local laws not in conflict with statute laws and provided that mining claims which had been located prior to this act should be governed as to length along the vein or lode by the customs, regulations, and laws in force at the time of their location. But after this date a mining claim was limited to 1,500 feet along the vein and 300 feet on each side of the middle of the vein at the surface. But the additional provision as to the right of following veins extending from the sides of the claim which apexed within the claim, gave great latitude.

The law of the apex which caused so much litigation in Butte reads partly as follows: "The locators * * * shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations: Provided that their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as aforesaid through the end lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges: And provided further, that nothing in this section shall authorize the locator or possessor of a vein or lode which extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.[99]

One of the earliest of the more important suits involving this law of the apex, was that of the Montana Ore Purchasing Company against the Boston and Montana alleging removal of ores belonging to the plaintiff. The Rarus belonged to the plaintiff and lay across the Johnstown, which belong to the defendant, in this manner:



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[99] Act of May, 1872. *The Statutes at Large,* Sanger Edition XVII, 91.

It was difficult to say which claim was entitled to priority (see footnote below), but fortunately, that question did not have to be decided for in purchasing the Rarus only 2.98 acres were bought, for the small outlay of $15, and this particular acreage was not claimed by the Johnstown.[100] On 16 March, 1897, Judge Knowles issued an order granting the Boston and Montana the right to survey the Rarus mine in order to determine if the Montana Ore Purchasing Company were trespassing on the property of the plaintiffs in their operations of the Rarus.[101]

The Montana Ore Purchasing Company replied to this litigation by filing a suit to recover damages for ore removed from its property.[102] The facts were that the Johnstown claim (a Boston and Montana property) was on either side of the Rarus. It was asserted that the purchase of the Rarus carried with it the right to the entire length of the vein, irrespective of surface ownership.[103] In a decision rendered 1 December, 1897, the Supreme Court held that "in so far as the patent attempts to convey the Rarus lode on its strike, independently of the granted surface of 2.98 acres, it is void and of no effect." The court, in the course of the decision, cited *Lindley on Mines*, Section 780, Volume 2, and the sections 58-60 of Volume 1 on the relationship of surface to lode.

Thus it was determined that the Rarus had no extralateral rights as claimed beneath the Johnstown surface. But there were other matters to argue before the courts as well as this.

It would appear that about this time, namely, the spring of 1898, the directors of the Boston and Montana, in order to free themselves from the supervision of the Montana courts which they regarded as unduly favorable to Mr. Heinze, decided to transfer the corporation from Montana to New York jurisdiction by incorporating a new company within that state. Accordingly the direc-

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For comment on this law and others relating to mineral claims one sees *Lindley on Mines*.

[100] The chronology of these two mines is as follows:

Record	*Rarus*	*Johnstown*
Location papers filed	2 October, 1878	24 January, 1879
Application for official survey	26 May, 1882	17 April, 1882
Survey dated	6 June, 1882	6 May, 1882
Application for patent	20 February 1883	3 March, 1883
Approval of survey	22 May, 1883	2 January, 1883
Final Entry	12 May, 1883	1 Sept., 1883
Patent issued	25 June, 1884	15 Nov., 1884

See Montana Ore Purchasing Company versus Boston and Montana Company, 20 *Montana* 336. But according to 27 *Montana* 544, the Rarus application for patent was 2 September, 1883, and the Johnstown's was 1 September, 1883.

[101] For the laws on trespass see Curtis H. Lindley, *A Treatise on the American Law Relating to Mines and Mineral Lands* (First Edition 1897), Third Edition 1914, Bancroft-Whitney, San Francisco, Title XI, Chapter 1, Paragraphs 865-868.

[102] Value $2,322,000, *Engineering and Mining Journal*, 63:461.

[103] By 30 November, 1897, thirty-one suits were pending between the Boston and Montana and the Heinze interests. *Engineering and Mining Journal*, 64:647.

tors of the Montana company, at a meeting held 6 April, conveyed to the newly created New York corporation all the property of the Montana company. On 31 May, with the written consent of 131,036 shares, the transaction was reaffirmed. The directors on 6 April called a meeting of the stockholders of the Montana company to be held 6 June to ratify the action of their directors.

In order to block this scheme, which would result in giving only the Federal courts jurisdiction over disputes between the companies, James Forrester, an attorney for the Montana Ore Purchasing Company, on 8 April bought a hundred shares of stock in the Boston and Montana. John MacGinnis, the vice president of Montana Ore Purchasing, on 16 May bought a similar amount. These immediately got an injunction *pendente lite* from the Montana District Court forbidding the transfer of the stock.

On appeal to the State Supreme Court by the defendants, that court on 28 November, 1898, decided that it would require unanimous consent of the stock holders to transfer the citizenship of the corporation.[104]

In conformity with this decision, William Clancy, judge of the District Court of the Second Judicial District, Silver Bow County, on 15 December, appointed Thomas R. Hinds receiver for the Boston and Montana Company. On the thirteenth of January, the Boston and Montana Company applied to the Supreme Court for a writ of prohibition against Clancy and Hinds to prevent them from continuing the receivership. In this suit for the writ, Mr. John F. Forbis, attorney for the plaintiff, recited that "the Montana Company and the Montana Ore Purchasing Company have been engaged in a series of closely contested lawsuits in the courts of the State of Montana and in the United States Circuit Court for the District of Montana, growing out of controversies between them as to the ownership of veins of ore, water rights and other questions, many of which actions are still pending; that the rivalry in business between them is intense; that Forrester and MacGinnis acquired their stock through the Montana Ore Purchasing Company, whose purpose is to harass and annoy the Montana Company and its stockholders and to interfere with the successful operation of its business and for no other purpose and motive whatsoever."

Forbis further recited that the relations of F. A. Heinze and MacGinnis were friendly and intimate with Judge Clancy, that the Judge had a prejudice against the Montana Company, and that in the numerous matters officially before him relating to the two companies he had invariably granted the injunctions sought by the Ore Purchasing Company. He alleged that Hinds was a man of limited responsibility, without mining experience, a partisan of the Montana Ore Purchasing Company, and if the receivership should continue in his hands it would put the control of the Boston and Montana in the hands of its adversary, for which wrong there was no "plain, speedy, and adequate remedy at law." He charged that Judge Clancy was "disqualified by reason of prejudice, that he has not jurisdiction," and urged that the Boston and Montana was entitled to the relief petitioned.

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[104] Forrester versus Boston and Montana Mining Company, 21 Mont. 544.

The Supreme Court answered that they could not grant the writ upon the ground of prejudice and stated that that argument "must be dismissed as without any foundation of record," and that Judge Clancy's hostility to Forbis and friendliness toward the officers of the Montana Ore Purchasing Company were not sufficient reasons for issuing the writ. The writ was denied and the petition dismissed on the 20th of February.[105]

At the same time, 13 January, 1899, the attorneys of the Boston and Montana sought a writ of *certiorari* to review the action of the lower court. In denying this on 27 February, the Supreme Court made plain the fact that the petitioners were not heeding the commands already issued to them. "They have failed to observe the law in their futile attempts to devest the Montana Company of its property. * * * When they shall have made suitable restitution, and are willing to obey the law, then a different condition will be presented."

While this litigation was in progress, the Boston and Montana Company closed the mines and defended its property from the entry of the receiver with armed guards.[106] There was some talk to the effect that the mines would be flooded if surrender were forced but this action would entail such great loss that it was unlikely to be done.[107] The officials in the meantime disappeared to avoid service of the writ. "So far, the sheriff's deputies have been unable to find any officials for whom attachments are out. It is alleged that every nook and corner on the face of the earth has been searched without result so the belief prevails that the fugitives have gone up in a balloon."[108]

On the 8th of April, the Boston and Montana proceeded to put itself in better grace with the court by surrendering its property to the receiver, then it prayed for relief on the ground that the receiver appointed was incompetent, that it had given up all idea of transfer of citizenship and that the stock had been returned from the New York corporation to the Montana corporation.

In the meantime the State Legislature had amended the law of the judicial procedure so as to give the right of appeal "from an order appointing or refusing to appoint a receiver, or giving directions with respect to a receivership, or refusing to vacate an order appointing or affecting a receiver." This law also clothed the Supreme Court or any judge thereof with the right of staying all proceedings under the order of a district court against which an appeal was made.[109]

In accord with the new situation and the recent legislation, the Supreme Court, on the 13th of April, granted a stay of proceedings, and ordered the receiver to take no further action if the company should give bond for $250,000 that it would pay all damages adjudged in the future to the plaintiffs.[110] The matter dragged on through the summer and fall of 1899 then into the next year without the formal discharge of the receiver. It was within the province of the lower court to order this discharge but no action was taken. Finally, on 8 June, 1900, the Supreme Court ordered the discontinuance of the receivership by the lower court.[111]

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[105] State versus District Court, 22 Montana 220.

[106] Butte *Daily Inter Mountain*, 1 April, 1899.

[107] *Ibid.*, 6 April, 1899.

[108] *Butte Miner*, 4 April, 1899.

[109] Act of 28 February, 1899.

The "Conspiracy Against Heinze"

From the foregoing the reader will have gathered the impression that the Montana Ore Purchasing Company was willing to spend money freely in defending its rights in the courts, and, possibly, in attacking the rights of others. As early as October, 1895, Mr. Heinze was an appellant of the Supreme Court in a case (*19 Montana* 353) involving a lease of the Estella by one Murray. Two years later, the Montana Ore Purchasing Company applied for an injunction to prevent the Boston and Montana from removing certain ore claimed. Judge Lindsay having denied this injunction, the Montana Ore Purchasing went to the Supreme Court and was again refused. (*20 Montana* 336.)

The Heinze interests were parties to the suit of Conrole *et al.* against the Boston and Montana which was decided in favor of the former on 7 March, 1898. (*20 Montana* 523.) This suit involved the building of a tramway across the Snohomish claim. Another suit brought by Heinze against the Boston and Montana relating to ore removed by the Pennsylvania shaft was decided in favor of Heinze (*20 Montana* 528). In this suit Heinze had sought from Judge William Clancy an injunction *pendente lite* to prevent further removal of ore from a vein covered by both the Pennsylvania and Rarus claims. Additional litigation concerning the right of the Heinze interests to build a certain pipe line across property owned by the Boston and Montana came before the Supreme Court on appeal from Judge Lindsay. (*20 Montana* 533.) In the fall of 1898 that series of actions to prevent the Boston and Montana from becoming a New York corporation, which has been considered above, was begun, both the Inferior and Superior courts apparently taking the view Heinze held of the issue. Then the series of cases involving the Rarus-Johnstown controversy came up. Judge Clancy's decisions favored the Heinze interests to such an illegal extent that the Supreme Court, in the opinion by Justice Hunt said, "the district court has violated the plainest rules which confine its power within the bounds of law and sound legal discretion."[112]

The Supreme Court, on 8 March, 1899, haled the officers of the Montana Ore Purchasing Company into court on a charge of having violated an injunction restraining them from extracting ores from certain parts of the Pennsylvania mine. The defendants replied that they had not violated the order of March 2nd above mentioned. Notwithstanding the court, after hearing argument and proof, decided "that the defendant Montana Ore Purchasing

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[110] Forrester and MacGinnis versus Boston and Montana Company, 22 Montana 430.

[111] For a complete history of this case see: *21 Montana* 544,565; *22 Montana* 220, 241, 376, 430, 438; *23 Montana* 122, 148.

[112] *22 Montana* 159.

Company, and Arthur P. Heinze, its secretary, who answered in his own behalf and also for the company, were guilty of disobedience." The corporation paid a $500 fine, Arthur Heinze paid half that sum; and it was ordered that all the officers of the Montana Ore Purchasing Company, except F. Augustus Heinze, who was ill and did not appear in court, be jailed until the fines were paid and the court should be satisfied that the company had complied with the order of March 2nd. That same day the company gave assurance that is was then obeying and would continue to obey, the injunction. On March 25th the president of the company was given a hearing and "the court being of the opinion that sufficient punishment had already been imposed upon the Montana Ore Purchasing Company and its officers" discharged him.

In the fall of 1899 the Boston and Montana sought in the district court an injunction to prevent the Montana Company from passing to and fro through a fractional part of the Johnstown claim. The injunction was denied, and on appeal, the Supreme Court sustained the finding of the lower court favoring Heinze. A few months later the same plaintiff was before the Supreme Court seeking to have the same defendant punished for violation of the injunction of 2 March, 1899, but the court found the complaint to be based on frivolous grounds and refused the injunction.[113]

Then the operators of the Butte and Boston endeavored to embarrass the Heinzes with litigation. The Rarus mine had underground access to the veins worked by the Snohomish and Tramway. The Snohomish was owned half by Heinze and half by the Butte and Boston; the Tramway was owned one-third by Heinze and two-thirds by Butte and Boston. Some ore belonging to the latter was mined by the Heinzes, and these were willing to account for ore so mined. But the Butte and Boston not only wanted damages for wrongful removal of ore but also an injunction to restrain further operation. Without going into all the legal considerations, it may here be said that the Supreme Court again found for the Heinzes.[114]

Yet another time the Boston and Montana appeared before the Supreme Court against the Montana Ore Purchasing Company, on 19 January, 1900, then complaining against a certain order of the Silver Bow court vacating a temporary restraining order. As before the decision went to the Heinzes.[115]

Should we conclude from all this litigation and its results that the courts of Montana, both inferior and superior, were unduly favorable to the Heinzes or that the owners of the Butte and Boston, and Boston and Montana, were harassing their rivals, the Heinzes, by groundless or frivolous complaints?

While this litigation was in process, the anti-Heinze interests had created the Amalgamated Copper Company, a merger which must be discussed later. On 17 January, 1901, the Heinzes were again before the Supreme Court in an action against the Parrott

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[113] *24 Montana* 117.
[114] *24 Montana* 125.
[115] *24 Montana* 142.

Silver and Copper Company, one of the Amalgamated subsidiaries. In this hearing, the Parrott Company was represented by Mr. William Scallon, Mr. J. K. MacDonald, and Mr. Thomas J. Walsh (who later became senator from Montana).

Briefly stated, the history of this case was as follows: On 16 May, 1900, Judge Clancy had granted Heinze's motion for a receiver for the Nipper Mine. The Anaconda owned five thirty-sixths of the mine which Mr. Daly had agreed to lease for a time and then sell to Mr. Heinze. After Mr. Heinze had operated under the lease, the Anaconda Company repudiated Daly's agreement to sell, whereupon, Heinze asked for a receiver.[116] When Judge Clancy withdrew his receiver, the case was carried to the Supreme Court.

In the petition of 5 March, 1900, which had originated the case, counsel for the Heinzes, Messrs. McHatton, Cotter and James M. Denny, boldly asserted that the assertions made by their adversary were "made in bad faith and fraudulently and in collusion with the Boston and Montana Consolidated Copper and Silver Mining Company, the Butte and Boston Copper Mining Company, the Anaconda Copper Mining Company, the Colorado Smelting and Mining Company, the Washoe Copper Company, the Amalgamated Copper Company, the Standard Oil Company, Lewissohn Brothers, Marcus Daly, H. H. Rodgers (*sic*), and others and as a part of the conspiracy entered into by the defendant and the corporations and persons mentioned for the purpose of preventing the * * * petitioner from mining the ores * * * and that by reasons of the conspiracy existing between said Parrott Silver and Copper Company, and the other companies and persons hereinbefore mentioned, and by reason of the fact that it and they will procure witnesses to wrongfully, fraudulently, and falsely testify that in their opinion the said Nipper vein has its apex for a portion of its length in the Little Mina claim." Further, that the action was maintained not for the purpose of protecting the rights of the Parrott Company, "but for the purpose of irreparably injuring this plaintiff and destroying his business and business prospects, so far as it can, also in an attempt to confiscate and acquire the property and property rights of plaintiff's associates, and particularly of F. Augustus Heinze and the Montana Ore Purchasing in the Butte district."

The petitioners charged that this conspiracy was begun in 1897 "with the express agreement and understanding to bring numerous fraudulent and unfounded actions * * * and by means of false and fraudulent statements and testimony to injure and destroy their business reputation and credit, and to prevent them from exercising and enjoying property and rights and obtain injunction and harass and annoy them with expensive litigation."

This was bold language but even if untrue was not libelous, according to the existing law, because as a judicial proceeding, it was a privileged publication.[117] The court, speaking through Justice Pigott, stated that "the allegations concerning the existence of an unlawful conspiracy are without substantial support in the evidence. For the like reason the charge that the defendant would support its application for an injunction against the petitioner by false and fraudulent testimony must be disregarded," and gave its decision that an injunction need not issue.[118]

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[116] *Engineering and Mining Journal,* 69:604.

[117] Code of 1895, II 34.

Here the story of the litigation must be interrupted to explain some other events which were happening at this time in the copper industry.

The Formation of the Amalgamated

The competitive warfare of the various operators in Butte very clearly pointed to certain advantages which might accrue from centralized control. But, strangely enough, the movement for the consolidation of interests came from a man who knew nothing of the physical conditions in Butte nor of the metallurgy of copper. This man was Thomas W. Lawson, a Boston financier.

In his memoirs, Mr. Lawson recited how he first interested Henry H. Rogers, the partner of William Rockefeller in the Standard Oil Company, in buying coppers.[119] His argument for the purchase of copper stocks was based wholly on the financial gains to be secured and nothing was said about any possible gains for the industry. Mr. Lawson stated in his memoirs that the plan for centralizing control of the copper industy was first envisaged by him in 1896, and that he laid it before Mr. Rogers in 1897.[120] According to Lawson's story, Rogers bought all of the holdings of Daly, John B. Haggin, and Lloyd Tevis, and used them as a basis for consolidation.

On 27 April, 1899, articles of incorporation of the Amalgamated Copper Company were filed at Trenton, New Jersey, with a capitalization of $75,000,000. Its officers were: Marcus Daly, president; Henry H. Rogers, vice president; William G. Rockefeller, secretary-treasurer. In addition to the officers above named, the directors of the new company were F. P. Olcott, president of the Central Trust Company, Robert Bacon, of J. P. Morgan and Company; James Stillman, president of the National City Bank of New York; R. P. Flower and A. C. Burrage of the legal staff of the Standard Oil Company. It was announced that this company had purchased large interests in the Anaconda Copper Mining Company, Parrott Silver and Copper Company, Washoe Copper Company, Colorado Smelting and Mining Company.[121] Other holdings included were said to be stocks of the Diamond Coal and Coke Company, the Big Blackfoot Milling Company, the Hennessey Mercantile Company, and much of the Boston and Montana.[122]

In order to transfer control in the Anaconda, E. H. Clark, L. T. Haggin, H. B. Parsons, and R. P. Lounsbury resigned from the Board of Trustees and William G. Rockefeller, H. H. Rogers and

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[118] *25 Montana* 164. For full history of this suit see also *24 Montana* 485, and *25 Montana* 139.

[119] Lawson, Thomas W., *Frenzied Finance.* Ridgway Thayer, New York, 1905. 237-252.

[120] *Ibid.*, pages 2 and 3.

[121] *Commercial and Financial Chronicle*, 68:820.

[122] *Mineral Resources*, 1899, p. 184.

A. C. Burrage replaced them. The men holding over from the old board were J. B. Haggin, Hamilton Smith, and W. L. Bull, the last two representing the English holdings.[123]

This huge combination was not a surprise. There had been talk about a world-wide combination in copper ownership from the time that it became known that the "Standard Oil crowd," that is, Mr. Rogers, Mr. Rockefeller and Mr. Stillman, were buying copper stocks.[124] The Rothschilds had recently acquired control of the Spanish Rio Tinto mines. By the union of the Rothschilds with the Bigelow interests of Boston and the Montana coppers very nearly a world control would be assured.

"It is understood," said the *Daily Inter Mountain,* "that nearly all the leading companies were willing to enter the combination except the Anaconda. A few weeks ago, however, the Standard Oil people secured an option on 940,000 shares at $50 per share. This option expires tomorrow, but it is said to be a sure thing that the option will be taken up. Such control will practically tend to complete the proposed copper organization, and already there are people who are willing to gamble that Anaconda stock will reach $100 before the end of the year. * * * The capital of the copper combine has not yet been agreed upon, but it will be somewhere between $350,000,000 and $400,000,000. The syndicate, it is said, has agreed upon James R. Keene as the New York representative, and the stocks will be listed in Paris, London, New York, and Boston. As to the management of the big consolidation, nothing has been learned at this end. It was rumored some time ago that Marcus Daly had been agreed upon as the manager of the combine, but this story is scouted in official circles. There are many people in Butte who are of the opinion that some of the present Boston and Montana officials in Butte will figure quite prominently in the new organization. Further details of the great undertaking will be anxiously watched for by Butte people."[125]

The next day there came a dispatch from New York saying that: "The absolute statement was made today by one of the most important interests in the copper trade that H. H. Rogers, of the Standard Oil Company, acting for a syndicate, has obtained control of many of the heaviest producing mine properties in the United States, including the Montana mines and those in the Lake Superior region. Among them are the Anaconda, Isle Royale, and Copper King. The deal, however, is not yet in a complete shape and on that account those most interested are averse to giving out any details. All the arrangements for carrying out the plan have been arranged and are in the hands of Mr. Rogers."[126]

Butte was kept in a highly excited state by these rumors and this excitement was not assuaged by the reports from the East indicating that August Belmont and Company, the New York agents of the Rothschilds, had denied the existence of any corner in copper. A similar denial was made by the London house of

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[123] *Engineering and Mining Journal,* 67:630.

[124] This activity aroused wide interest in England. See *The Economist,* London, 22 April, 1899.

[125] Butte *Daily Inter Mountain,* 24 April, 1899.

[126] *Ibid.,* 25 April, 1899.

Rothschild and by J. P. Morgan Company. The Lewissohn Brothers denied that they were in the deal. Rogers could not be found by interviewers and Marcus Daly, passing through Chicago, admitted he had heard talk of a big combination but denied that it had been consummated. In this interview Daly pointed out the absurdity of so large a capitalization as had been rumored, saying that it would be impossible to make fair earnings on so large a capitalization. The public apparently forgot this warning when it began to buy stock in the Amalgamated, but speedily learned its lesson.[127]

The citizens of Butte were highly delighted to learn on Friday, the 28th, that their idol, Daly, had been placed at the head of the gigantic combination. "The most gratifying feature," said an editorial in the *Daily Inter Mountain,* "of the reports given the public today is the announcement that Mr. Marcus Daly has been named as president of the organization. This will bring to the citizens of this state the assurance that the combine will pursue no course inimical to the interests of the community. That gentleman's record as the friend of the laboring man and his career as a public spirited citizen who has invested his money liberally in various enterprises, is a guarantee that while he is at the head of the great copper combine that organization will lend its energies to the upbuilding of the state through the future development of its resources.

"As foreshadowed in these columns some days since, the forming of the copper combine may lead to the more liberal investment of eastern capital in Montana mining enterprises, and prove the first step in a new era of development. It will certainly bring the great capitalists of the world in closer touch with the mineral possibilities of this state, which will in turn direct the general attention of the public to this section of the country as the Mecca of the wise investor. With this prospect ahead, and the presidency of our distinguished fellow citizen, Mr. Daly, serving as a guarantee that the anticipated evils of the copper combine will not be realized, Montanians may look forward to the future with enthusiasm and hope."

Some surprise was expressed by the Butte newspaper that the capitalization of the Amalgamated was so low as seventy-five millions, for the current selling of Anaconda stock indicated a total value of that security as about eighty millions. The newspaper was not then in a position to know that all the stock of the Anaconda was not represented as a supporting value of Amalgamated. Lawson, the broker, claimed that the securities behind the Amalgamated were bought for $39,000,000, although the Amalgamated was sold to the public at a capitalization of nearly twice that amount. The fact that no financial report was submitted to the directors at the first annual meeting, 4 June, 1900, at Jersey City, should have warned investors.

Expansion of the Industry

While these financial operations were in progress an improvement and expansion of the technical and mechanical processes was under way. The Butte mines stopped development work and took out marketable ore in 1899. Only 4,000 feet of shaft sinking was done, compared with 8,500 feet in 1898. The payrolls carried 7,770 men instead of 6,500 carried during the previous year.

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[127] *Ibid.*, 26 April, 1899.

Amalgamated built three new matte furnaces, each of which could take fifteen tons. Their interior dimensions of 42 by 14 feet made them the largest ever built up to that time. Boston and Montana made great additions to its Great Falls plant and Montana Ore Purchasing to its works in Butte. The last named company was very active; new properties were purchased, and additions to the smelting plant were made. During the summer of 1899 twenty additional rotary calciners, two reverberatory furnaces and a convertor stand were built, which increased the capacity to 8,000,000 pounds a year.[128]

GREAT FALLS CITY

At Great Falls, work was begun in 1900 on a new concentrating plant intended to double the capacity of the works. There were also added two blast furnaces, nine more McDougall calciners, two large reverberatory furnaces and four new convertor stands.[129]

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[128] *Mineral Resources*, 1898, 180.

[129] *Ibid.*, 1899, 185.

Butte and Boston, which had been leasing its smelter to Boston and Montana, asked for surrender of the lease on 1 February, 1900. In the meantime it had built a new converting plant capable of turning out 900,000 pounds monthly.

The Parrott Silver and Copper Company, one of the Amalgamated group now, reported at its annual meeting in Butte that, for the year ending 30 April, 1900, it had earned $884,370; had paid dividends of $1,371,099; and had a surplus remaining which amounted to $1,404,235. Directors for the coming year were elected: Marcus Daly, Charles Burrage, Charles H. Dickey, Sidney Chase, A. W. Bemis, E. G. Story, and R. D. Wilkie.

Montana was now refining much of its copper instead of shipping matte to Eastern refineries for completion of the process. In 1899, the 1,430 tanks of the Anaconda Company at Anaconda were producing a hundred tons of refined copper daily, and the 600 tanks of the Boston and Montana at Great Falls were making sixty tons daily. Thus, about half the copper produced in Montana was completely refined within the state. Outside of Montana there were in the United States 540 tanks at Baltimore, Maryland; 1,714 in New Jersey; 400 in New York; 380 in Rhode Island; 432 in Connecticut, and 200 at Blue Island, Illinois.

The principal mines of the Anaconda Company lay east of Main Street and south of that portion of Butte known as Centerville. Approximately, they formed a horse-shoe with the open heel toward the west. On the north arm of this horseshoe and lying along the Syndicate lode, were the Mountain Consolidated, Green Mountain, Diamond and Wake Up Jim mines. The Bell, High Ore, and Modoc were on the Bell-Modoc lode, or system of veins, and formed the curve at the toe of the shoe to connect the two arms. On the southern arm was the famous Anaconda lode, lying along which were the Saint Lawrence, Never Sweat, and Anaconda mines. Besides these, the Anaconda Company owned many other claims at Butte, some of which, in point of production, ranked closely with those already named, while others were but partially developed and worked as yet. The ground of the Boston and Montana Consolidated Copper and Silver Mining Company was east of and along the continuation of the Anaconda lode. Besides the Mountain view and other mines on the Anaconda lode, this company owned a number of claims in the same vicinity. From these properties were taken the great tonnage of ore that went for treatment to the Great Falls plant of this company. The ground of the Montana Ore Purchasing Company adjoined that of the Anaconda and the Boston and Montana companies. Immediately south of the Anaconda lode and parallel with it, was the Parrott, Colusa Parrott, and other mines, while to the southwest of the Syndicate lode was the Gagnon.[130]

The ore was found in various mineral forms embedded in solid rock from which it was blasted. It was conveyed to the shaft along the drifts in small cars, propelled by men, drawn by mules, or, later, by electric engines. Great timbers lined these passage-ways, demanding the cutting of millions of feet of logs annually to fill the need. Before the electrification of the mines, only the flicker of the miners' lamps, or an occasional set lamp broke the hot darkness. Water dripped continually from seams in the rock in many places and was pumped to the surface by great pumps. Needless to say, the foul air, heat, and dampness developed many cases of incipient tuberculosis.

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[130] This description is taken, almost *verbatim* from the report of Eugene B. Braden, United States Assayer at Helena, for 1899.

In the numerous chambers, called stopes, cut in the sides of the horizontal drifts, labored men from many lands. The majority of aliens were stalwart Irishmen; swarthy Italians toiled beside blond Germans and Swedes; Austrians, Finns, and Canadians mingled with Chinese and Scotchmen. Out of Silver Bow's male population of 47,635, 11,639 were foreign born and 9,975 were native born of foreign parents.[131]

The ores produced from these mines were divided into a first and second class. The first class, consisting of ore containing not less than seven per cent of copper, went directly from the mine to the reverberatory furnace. The second class, or poorer ore, was known as "concentrating ore" because it went through the concentrators before going to the furnace.

At the concentrators the cupriferous rock was first crushed to the size of a walnut and then to that of sifted gravel. After crushing, it was washed to remove part of the silica, for the foreign matter in Butte ores consisted of from 45 to 70 per cent silica, the remainder consisting of iron and sulphur. The silica, being lighter than the ore, could be washed out in a series of jigs.

Then the washed ore was ground to powder and washed again, separating the ore from the waste by specific gravity on a turntable. This last washing completed the process known as concentrating.

The smelting of the ore was then begun. The "concentrate" was mechanically distributed about two inches deep in roasting ovens. In the early days, this process had been carried on in the open and constituted a great nuisance. By this process, the free sulphur was burned out until the remaining sulphur was only 8 per cent of the bulk. The product of this roasting was known as "calcines."

The calcines were dumped into hoppers and fed into reverberatory furnaces as needed. These furnaces were so called because in them the flames were "made to reverberate and whirl" by means of compressed air. In from four to six hours the calcines were melted into liquid. The metal sought the bottom and the slag or waste, of iron and silica, rose and was skimmed like cream. The product of the reverberatory smelting was known as "matte."

Copper matte of the Anaconda reverberatory furnaces analyzed 60.76 per cent copper, 23.25 per cent sulphur, 11.43 per cent iron, 2.41 per cent zinc, 1.13 per cent ferric oxide, with traces less than one per cent of nickel, cobalt, lead, bismuth, antimony, arsenic, silenium, tellurium, silver and gold.[132] Matte from the Parrott reverberatory furnace assayed 29.41 per cent copper with a much higher percentage of iron than the Anaconda matte. The Boston and Montana reverberatory furnaces issued a matte containing 49.34 per cent copper and 22.44 per cent iron. As different ores were handled from time to time these analyses would change.

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[131] Twelfth Census, Washington, 1900 I 591, 768.

[132] Kellar, Edward, "Elimination of Impurities from Copper Mattes," *Mineral Industry for 1900.* 240-260.

The molten matte was run into huge pots called convertors. A convertor was a huge iron vessel composed of two half-shells. These shells were lined with clay about thirty inches thick and then fastened together. After the molten matte was run in, compressed air was blown in and iron remaining in the matte combined with the clay lining. After this conversion process the copper was about 99 per cent pure.[133]

Before this copper could be rolled into sheets or drawn into wire and rods a further refinement by electrolysis was necessary. In a bath of sulphuric acid the copper anodes were dissolved by a weak electric current and carried over to the cathodes. The impurities dropped to the bottom of the tank and formed a slime which was periodically removed. In the solution and slime traces of arsenic, antimony, bismuth, iron, nickel, lime, and magnesia remained.

The concentration of the low grade ores, described above, was wasteful of the metal. The principal ore supply ran from about 3 to 5 percent copper, wet assay, and from 65 to 75 per cent silica; in washing out the silica, after crushing, from 20 to 40 per cent of the copper was lost in the tailings. Realizing this loss, the Butte Reduction Works experimented to find some means of recovery. As a result of some tests it was decided to regrind the silica washed away and to run this crushed rock through the process once more to recover part of the copper which had formerly been wasted.[134]

Another progressive step was taken when the Montana Ore Purchasing Company substituted electricity from the Big Hole dam for the steam power formerly used at their concentrator. They also electrified their cranes and two tramways. At the Rarus mine they installed a fifty-drill Rand duplex compound condensing air compressor whose fly wheel was grooved so as to permit its operation either by steam or electricity. This company was about to increase its reduction plant to a capacity for producing 3,000,000 pounds of copper monthly. Two new blast furnaces and four more convertors were ordered in December, 1900. Ore was being taken from the Rarus, Nipper, Minnie Healey, Clinton, and Homestake mines.

In June, 1900, a new boiler equipment at the Anaconda mines, consisting of six 150-horsepower tubular boilers had been placed. Several months previously six 200-horsepower marine boilers had been installed, and all twelve were connected to a new steel stack.[135]

This year saw the triumph of the Anaconda mine, the largest production of any mine in the world, and 9.8 per cent of the world's total. Its nearest competitor was Rio Tinto in Spain which yielded 7.37 per cent. Third came the Calumet and Hecla in Michigan with 7.13 per cent of the total; and the fourth was the Boston and Montana production wih 6.07 per cent. These four yielded a third of the world's copper although there were eighty mines producing a million pounds or more.[136]

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[133] These processes were described in Freeman, Harry C., *A Brief History of Butte, Montana.* H. O. Shepard, Chicago, 1900. 97-105.

[134] A. H. Wethey, "Problems in the Treatment of Butte Ores," *Engineering and Mining Journal*, 68:8, July 1, 1899.

[135] *Engineering and Mining Journal*, 69:780.

Some Statistics of Copper

Statistics may be defined as highly concentrated facts expressed by figures rather than words. Statistics are never "dry" to him who understands the meaning of the symbols,—but their concentration of meaning adds a further burden to the mind which would comprehend.

During the decade ending 1900 the world production of copper nearly doubled and the American production more than doubled. The Montana copper producers were selling their product in a world market. They had no monopoly, and were not likely to have as long as the heavy production in Spain, Japan, and Chile continued. In addition to these large producers, sixteen other countries mined some copper, varying in amount from 22,000 long tons in Mexico to 650 long tons in Great Britain, and 450 long tons in Sweden.

Montana's production was divided among three large producers and a half-dozen smaller ones. The copper industry, unlike the placer gold mining, called for large aggregations of capital and was no business for a person of small means. In the table which follows it is interesting to observe that the great increase in tonnage came during the period of depression in other industries. While copper has seen some hard times, it knew no "panic of 1893."

Montana Production of Copper by Companies[137]

	1893	1896	1899
Anaconda	75,256,659	125,350,693	107,914,359
Boston and Montana	31,800,000	60,250,000	79,000,000
Butte and Boston	20,457,928	4,500,000	
Butte Reduction	2,985,485	4,225,647	10,049,629
Colorado Smelting and Mining	6,703,488	9,090,680	9,572,155
Hecla Consolidated Mining	77,565	312,445	155,719
Parrott	7,791,167	8,045,648	10,625,696
Montana Ore Purchasing	8,400,000	15,049,066	15,360,679
Others	827,810	4,242,583	5,775,716
Total	154,300,100	228,958,164	237,953,951

Most of the Montana production came from the Butte mines. Outside of Silver Bow County the production for 1899 in Montana was Beaverhead County 165,719 pounds; Deer Lodge County 50,000 pounds; Granite County 75,000 pounds; Jefferson County 25,687 pounds; and Madison 40,000 pounds.[138] Probably all copper production outside of Silver Bow County was incidental to the production of gold and silver, for all of these counties were heavy producers of the precious metals.

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[136] *Copper Handbook*, II, 363.

[137] Richard P. Rothwell (Ed.) *The Mineral Industry to the End of 1899*, p. 164. Scientific Publishing Company, New York, 1900.

[138] Braden, *op. cit.* 143.

Figures were made available by the Mines Inspector concerning the number of miners employed by the various companies. It will be observed that the size of payroll was not strictly proportional to the product. One of the reasons for this discrepancy is the fact that a large part of the labor in the copper mines had to go to the development of new ore bodies, that is, tunnels had to be cut through rock which carried no ore in order to reach new ore, shafts had to be sunk to new levels. Retimbering of the older mines was another very essential process which delayed mining.

In 1900 the Anaconda employed 3,931 men; the Boston and Montana properties used 1,389; the Butte and Boston 629 men; the Montana Ore Purchasing 618; W. A. Clark's mines 533; the Colorado Company 316; the Parrott Company 288; the Washoe Company 163; the Speculator 148; the Minnie Healey 88; the Alice 76; and other mines 500.[139]

Some of the older mines were reaching depths at which only very rich ore bodies would compensate for the increased cost of mining. The Diamond, Green Mountain and High Ore shafts had reached a depth of 2200 feet; the Mountain Consolidated, Never Sweat and Anaconda a depth of 2000 feet; the Gagnon 1800 feet; the Mountain View 1700 feet; the Bell 1650 feet; the Parrott, Saint Lawrence and East Grey Rock a depth of 1600 feet; the Colusa-Parrott and the Pennsylvania 1400 feet; and the Speculator 1200 feet.[140]

The Era of Heinze, 1901 to 1906

The death of Daly left William Andrews Clark free to follow his political aspirations and Augustus Heinze to become the principal figure in the development of the Montana copper industry. From this point the record of that industry must follow the exploits of that versatile young engineer for a while.

"To his enemies, Heinze was always the unscrupulous charlatan," wrote a member of the Montana bar who knew him well, "To his friends, he was a man who, fighting for existence against unscrupulous and powerful foes, reached for any weapon in sight, whether it happened to be a broadsword or a couplingpin."[141]

When A. S. Bigelow had refused to buy Heinze's holdings for a quarter of a million, in February 1897, he told Heinze that the Boston companies would make an example of their power by crushing him, according to Heinze's explanation of the way the trouble started. At any rate, the juxtaposition of the Rarus, Heinze's property, with properties of the Boston and Montana made sufficient cause for friction if none other had existed.[142]

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[139] Report of State Mine Inspector, 1900.

[140] Seventh Annual Report of Bureau of Agriculture, Labor and Industry, p. 82.

[141] Charles P. Connolly, "The Fight of the Copper Kings," *McClure's*, 29:1.

[142] The background of this matter is explained in a previous section of this chapter.

Heinze, realizing that endless litigation would be engendered by this feud secured the friendship of both the district court judges, William Clancy and Edward W. Harney, probably by the process of working for their election, which was entirely legitimate on Heinze's part but should not have been allowed to create any obligation on the part of the judges. Clancy had at one time been tried for disbarment owing to certain improper methods of conducting a case before the district court. His defense was that his guilt was the result of ignorance of the law.[143] But whatever his irregularities of conduct, his lack of judicial discretion and bearing, the fact remains that he sat upon the bench of the second judicial district for eight years and retired from office without impeachment.

The Fight for the Tramway-Snohomish Mine

An interesting incident of the quarrel between Heinze and the Butte and Boston was the Larkin episode. Jim Larkin had owned a half interest in the Snohomish and a two-thirds interest in the adjoining Tramway. On 4 May 1893, about fifteen months before he was committed to the State Hospital for the Insane, he transferred his holdings to the Butte and Boston for twenty-two thousand dollars. About four years later Heinze purchased the other interests in these mines and began a search for the daughter of Larkin who had removed to Oregon. She was found by his agents and brought back to Butte, where Heinze was appointed her guardian, owing to the disability of her father.

On 21 March 1898, Heinze began a suit against the Butte and Boston contesting their title, and on October 21st another plea was made for the recovery of Larkin's property, alleging that he was incompetent at the time of the transfer in 1893. The property transferred was, at the time of the suit, alleged to be worth two millions.[144] In order to protect the interests of the rightful owners, the Federal Circuit Court at Butte on 27 July 1899 appointed a receiver, John S. Harris, for the property in dispute, and on 15 March 1900, the receivership was extended over the whole of the Snohomish-Tramway, the Heinze group being then ordered to surrender possession to the receiver and to cease mining.[145]

The fight between the Heinze interests and Butte and Boston over the Snohomish-Tramway mines came into the Supreme Court of Montana in January, 1900. Three months later that Court decided that the lower court should have granted an injunction *pendente lite* restraining the Montana Ore Purchasing Company (Heinze) from continuing to work the mine. On 7 June 1900 a rehearing was granted.[146]

When the case came before the Supreme Court, on 11 February, 1901, it decided to reverse its previous decision and grant the injunction requested. The rights of a co-tenant had been fixed by the Bannock statute of 8 February 1865.[147] This law had been amended by the Sixth Legislative Assembly by adding the provision that co-tenants could enter upon the common property at points not then in actual occupancy by the other tenants and could mine, remove and mill ores therefrom. The net profits must be accounted for to the other co-tenants. The tenants not joining in these mining operations might take their share in ore on the dump by payment of the costs of mining if they preferred this to the net profits from the co-tenant which mined the ore.[148]

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[143] Connolly, 29:15.

[144] *26 Federal Reporter*, 1.

[145] *107 Federal Reporter*, 165.

[146] *24 Montana*, 125.

But the Supreme Court held 11 February 1901, that the new legislation was an attempt to disturb vested rights, and, therefore, being repugnant to sections 3 and 27 of Article III of the Montana Constitution as well as the XIVth Amendment to the Federal Constitution, was inoperative and void. This decision, then, prevented the further mining of the Snohomish-Tramway by the Heinze interests. The question of Federal rights being involved permitted the appeal of the case to a Federal Court with the result that in a decision handed down 2 November 1903, the Circuit Court of Appeals at San Francisco said that a receiver for the Snohomish and Tramway should not have been given power to work the mines, for it had not been shown to be necessary.[149] This case, like others, was finally settled out of court by the purchase of the Heinze interests by the Amalgamated.

The Case of the Minnie Healy

Another bitterly contested case was in dispute between Heinze and the Boston and Montana. It will be remembered that this company had joint control through a common president, A. S. Bigelow, and an interlocking directorate with the Butte and Boston, whose struggle with Heinze has been described above.

The ownership of the Minnie Healy was an important matter not only because there was rich ore in the veins indisputably belonging to it but also because there was a probability that certain veins of the Piccolo and Gambetta claims, then owned by the Boston and Montana, very rich in metal, apexed in the Minnie Healy ground and therefore belonged to its owners.

In October 1895, a certain John D. Allport died leaving a quarter interest in this mine. John Devlin, Mary Devlin and Mary E. Reilly owned the remainder. When the property was up for probate a certain Caroline V. Kelley presented a will purporting to transfer the entire Allport quarter interest to her. She had, in turn, transferred all her interest to Miles Finlen, who appeared to defend his title to the Allport inheritance. The Court declared the will to be a forgery.

Finlen also leased the Devlin-Reilly claims on 16 October 1896 with option to purchase the claims. On 21 November 1898, according to an allegation sworn to by Heinze, Finlen, having previously told Heinze that the claim was so poor in ore that he would not be justified in working it any longer, verbally agreed to assign to Heinze all his interests in the leases. This assignment was on condition that Heinze should work the property and if he wished to buy the leases he would pay Finlen $54,000. After Heinze was put in possession of the property he struck rich ore bodies, but then Finlen was unwilling to transfer the leases. This verbal agreement, Finlen denied.[150]

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[147] Prior to the establishment of the territorial government in Montana, the miners at Bannock, then within the jurisdiction of the Territory of Idaho, formulated a code of miners' laws known as the Bannock statutes. This code was later recognized as authentic in Montana jurisprudence.

[148] House Bill Number One, 1899.

[149] *126 Federal,* 1.

Finlen's story was that he had merely allowed a temporary possession in order that Heinze might determine if the Piccolo and Gambetta veins apexed in the Minnie Healy. If Heinze was satisfied that these rich ore bodies really belonged to the Minnie Healy, he was to have a purchase option if the price could be fixed.[151]

On 3 June 1899, Heinze purchased five-eighths of the Minnie Healy from the Devlins and Mary Reilly; the remaining eighth going to the Johnstown Mining Company in which Heinze was largely interested. This purchase left Heinze the legal owner of a large part of the property, with Finlen the owner of the other quarter and leasee of the whole. Heinze had taken possession and had begun to operate about 23 December, 1898.

On 8 January 1900, the administrator Kleinschmidt, applied to the district court for permission to mine the claim but the application was denied. It appeared to the Supreme Court that Kleinschmidt and Heinze had reached a private understanding against Finlen. On the 30th of this month Heinze filed a petition for receiver and the hearing was set for the fifth of February but the defendants, Finlen and Kelley, did not appear. The other defendants made no resistance to the petition. On February 17th counsel for Finlen and Kelley denied the averments of the petition, namely, that defendants had refused Heinze any accounting for ore removed. Then the Court appointed E. H. Wilson, receiver. From this appointment of a receiver Finlen appealed.

It appeared to the Supreme Court that each of the parties had a right to have the property stand as it was without further operation by a receiver, hence it ordered that the district court should abate its receivership. This decision came 25 February 1901.[152]

Therefore Finlen brought suit to have Heinze ejected from the Minnie Healy. The district court, E. W. Harney, Judge, found on 18 June 1901 for the defendant and enjoined the plaintiff, Finlen, from asserting any right in the claim and from interfering with Heinze in possession thereof. But Judge Harney required of Heinze a bond of $75,000 that a proper accounting would be made to Finlen for his share in the product of the mine if it should finally be determined that Finlen had any interest in the Minnie Healy.

Thereupon Finlen appealed to the Supreme Court and asked for an injunction to preserve the subject to litigation pending an appeal. The Supreme Court, on 21 July 1902, issued the injunction thus sought, preventing Heinze from doing any more work than was necessary to preserve the property.[153] Heinze immediately filed a motion for a rehearing which was denied.[154]

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[150] *28 Montana*, 552.

[151] Connolly, *McClure's* 29:319.

[152] *25 Montana*, 89.

After Judge Harney of the district court of Silver Bow County had decided in July 1901, with certain modifications on 18 March 1902, that Finlen must accept Heinze's proffer of $54,000 and transfer the property, Finlen, financed of course by the Amalgamated interests and represented by their legal staff, appealed the case to the Supreme Court, 1 April 1903. That tribunal, after taking cognizance of certain improper conduct of Judge Harney, stated that "the judgment in this case will be set aside, not as a punishment for the defendants, but that no unlawful interference with the dignified and orderly course of judicial proceedings may be given countenance in the jurisdiction of this state."[155]

This decision, made 24 July 1903, remanded the case to Judge Harney. The cause was set for September 16th; Finlen's lawyers moved for change of venue, the motion was denied and the case transferred to Judge Clancy's court. Here the plaintiff Finlen objected that Clancy was without jurisdiction and that he was not ready for trial. These objections being overruled, the case went to trial and Judge Clancy found for the defendant Heinze, 22 October 1903.

On 17 November 1904, the Amalgamated lawyers, A. J. Shores, W. W. Dixon, C. F. Kelley (later to become president of the Anaconda corporation) and Forbis and Evans, appealed to the Supreme Court again. After long and careful consideration on the points on which the appeal was taken, the Court, on 20 April 1905 affirmed Judge Clancy's decision which, it may be noted, was in harmony with Judge Harney's previous findings. A rehearing was denied on June 5th. And thus ended one of the most famous cases in Montana litigation with the allegations of Augustus Heinze sustained by both district and supreme courts.[156]

Heinze was also engaged in an important dispute with the Boston and Montana over the Pennsylvania-Rarus veins, which had begun several years before.[157] The owners of the Rarus were removing ores from the disputed vein under bond to the Supreme Court that they would pay the Boston and Montana for any ore subsequently adjudged to be their property.

In the spring of 1901, when Heinze's bond was already $950,000, the Supreme Court, upon a showing by the Boston and Montana that $1,257,934 worth of ore had already been removed, ordered Heinze to present additional bonds of $350,000. At this time W. A. Clark had joined forces with the Amalgamated and no one in Montana cared to risk the wrath of this coalition by aiding Heinze. This astute gentleman had no need of Montana favors, for when the tenth of May arrived, he presented a surety bond of the Delaware Surety Company in the required amount. The Supreme

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[153] *27 Montana*, 107.

[154] *27 Montana*, 123.

[155] *28 Montana*, 548.

[156] *32 Montana*, 354.

[157] The northeast corner of the Pennsylvania claim was cut by the southwest side of the Rarus, thus giving the latter extralateral rights in Pennsylvania ground.

Court decided to allow this company to furnish a cash bond and on June 17th the cash appeared.

This Delaware company had an interesting history. It had been incorporated on 22 April 1901. The president of the company was a brother-in-law of Otto Heinze; the secretary, Henry Velthusen, was a stock clerk employed by Otto. Among the other organizers were two dry goods salesmen and an employe of a New York lace house.[158]

On August 29th the Supreme Court denied the application of the Pennsylvania's owners for additional security. In October the transcripts of the case went to the Supreme Court and the following May the Court ordered the Montana Ore Purchasing Company to desist from working the disputed veins.

Suit to Dissolve the Amalgamated

When Lawson first interested Mr. Rogers and his associates in the Standard Oil group in financing a merger of the copper interests, it had been intended eventually to include the Bigelow group which owned a control of the Boston copper corporations. The first step in this inclusion was taken by voting to amend the charter of the Amalgamated, on 6 June 1901, to increase the capitalization from 75 to 155½ millions. When the amended charter was filed at Trenton on the 19th of June it then appeared that of the 155,000 shares, Marcus Daly's estate owned 50,001 shares, the next largest holdings being owned by E. C. Bogert, 30,450 shares, and Leonard Lewissohn 30,000 shares.[159]

The reader will recall that John MacGinnis, an officer of the Montana Ore Purchasing Company, had used his ownership of a small block of stock in the Boston and Montana to the advantage of the Heinze interests in preventing the removal of that company from Montana. This same stock enabled litigation to prevent the Boston and Montana from joining the big coalition.

In July, MacGinnis brought suit in the district court to prevent the merger, alleging that the Amalgamated was formed for the purpose of obviating a decision of the Montana courts, and to control the output, sale and price of copper. He further alleged that the companies had violated the Constitution and Penal Code of Montana and that the property of the Boston and Montana was liable to be forfeited to the State. The value of the property was stated to be $56,000,000. The Court was asked to appoint a receiver for all the Boston and Montana properties; to enjoin the Amalgamated from acquiring any control; to prevent stock already acquired from being transferred on the books; and to declare the Amalgamated to be a trust and monopoly on the ground that it was working in violation of the laws of the State. Judge Harney issued a temporary restraining order and an order to show cause why a receivership should not be appointed.[160]

Early in November Judge Knowles of the Federal district court granted Mayor Hugh J. Grant and Anthony M. Brady of New York City permission to join with MacGinnis. A like permission was given William H. Hill and Arthur Baldwin of Boston.[161] In January 1902, Judge Knowles dissolved an injunction which had been granted by him preventing the payment of Boston and Montana dividends to the Amalgamated and to prevent control of the former by the latter.[162]

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[158] Connolly, *McClure's,* 29:217-218.

[159] *Engineering and Mining Journal,* 71:793.

[160] *Ibid,* 72:118.

At the same time the Minnie Healy decision was made public, that is on 22 October 1903, Judge Clancy announced his decision that Amalgamated was a trust which had no legal standing in Montana. His disposition of the case took the form of a permanent injunction forbidding the payment of dividends earned by the Parrott and Boston and Montana companies to the Amalgamated.

The Butte *Miner,* a journal owned by W. A. Clark, came out with flaring red headlines proclaiming that "Montana must face an industrial crisis." Under this head the paper announced that representatives of the Amalgamated took the position that the decision virtually outlawed them and therefore the Company would cease all operation in Montana. This closure included not only the great smelter at Anaconda and the mines at Butte but the lumber mill at Bonner, the coal mines at Belt, Horr, and Diamondsville, the refinery at Great Falls and the lime and silica quarries in Jefferson County. The shutdown affected in all about fifteen thousand men, and would lead to widespread bankruptcy if long continued.[163]

The excitement in Butte was intense and the crowd became dangerous. The idle men suddenly forgot their admiration for Heinze in the belief that he was wholly responsible for their lack of employment. In order to embarrass Heinze, Senator William A. Clark joined with the Daly Bank and Trust Company in an offer to lend the Miners' Union sufficient funds to buy MacGinnis and Lamm's shares in the Amalgamated subsidiaries, thus eliminating them from any financial interest in attacking the merger. The Union voted to accept the offer but MacGinnis left town very suddenly in order to avoid any embarrassment of having to refuse an offer for his stock.[164]

In the absence of MacGinnis, the miners committee went directly to Heinze who promised them an answer from the court house steps the following day at four o'clock in the afternoon. This promise quieted the crowd for the time and was scrupulously kept.

At the time promised, Heinze made a masterly oration before an enormous concourse, denouncing in bitter terms the effort of the Standard Oil to dominate not only the industry but their lives. If he failed in his fight the Standard Oil would "cut your wages and raise the tariff in the company stores on every bite you eat, and every rag you wear. They will force you to dwell in Standard Oil houses while you live, and they will bury you in Standard Oil coffins when you die * * * They have crushed the miners of

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[161] *Ibid.,* 72:614.

[162] *Ibid.,* 73:87.

[163] Butte *Miner,* 23 October, 1903.

[164] Connolly, *op. cit.* 330.

BUTTE AND SURROUNDINGS

Colorado because those miners had no one to stand for their rights."[165]

In a battle of wits Heinze was almost certain to overcome his adversaries, who were only hirelings and had no personal interest at stake. He met the offer to buy the stock with an agreement to sell it at what it cost, plus the interest on the investment, provided that Amalgamated would pay Heinze's share of costs in the lawsuits, would sell Heinze the five thirty-sixths of the Nipper Mine which they held, would agree to keep its mines open for a year, and would pay the existing scale for three years.

The Amalgamated, as Heinze had foreseen, refused this offer. Public men of Montana tried to make peace but were unsuccessful for Amalgamated refused to make any terms with Heinze. Finally, William Scallon, managing director of the Amalgamated, promised Governor Toole that if he would call an extra session of the legislature and that body would pass a bill providing for a guaranty of fair trial in civil suits, then the corporation would go back to work.

Governor Toole, under pressure of numerous petitions and personal requests, unwillingly called the extra session which had been demanded[166] and on the eleventh of November, simultaneously with the announcement of the call, all the subsidiaries of Amalgamated went back to work. Clark's newspaper, the *Miner*, claimed for the Gagnon (a Clark mine) whistle the honor of announcing the good news to the happy people, who made a great jubilation.

Less than three weeks later the Eighth Legislative Assembly met at Helena for its second extra session and most obediently proceeded to modify the Code of Civil Procedure so as to permit the Supreme Court to "affirm, reverse, or modify any judgment or order appealed from" and to "direct the proper judgment or order to be entered, or direct a new trial or further proceedings to be had * * * In equity cases, and in matters and proceedings of an equitable nature, the Supreme Court shall review all questions of fact arising upon the evidence presented in the records * * * and determine the same, as well as questions of law, unless, for good cause, a new trial or the taking of further evidence in the court below be ordered."[167]

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[165] Butte *Miner*, 27 October, 1903. Page one, column 5, page two, column 1-5. Connolly quotes part of this material in *McClure's*, 29:330-332.

[166] The call read:

"Whereas, a large percent of the resident taxpayers of the state, and many representatives of organized labor, and others, have by petitions and otherwise represented to me the deplorable industrial conditions existing in three of the populous cities of the state, as well as in many other localities within our borders, consequent upon the cessation of operations of many large industries in the state, and

Whereas, they further represent the desirability of general legislation by which the bias and prejudice of district judges be made a disqualification of such judges to try any case that may come before them, or either of them, as well as legislation making suitable provision for the trial of such case or cases in such event, and also the desirability of general legislation conferring upon the Supreme Court power on appeal to review the facts in equity cases, and

Whereas, I have reason to believe that work will be forthwith resumed in all the suspended operations aforesaid if an extraordinary session of the legislature is called to consider such legislation.

Now therefore, I, J. K. Toole, governor of the State of Montana, disclaiming any reflection upon the integrity of the judiciary of this state, or any member thereof, but yielding solely to the exigency of the hour and the formidable requests presented to me * * * do hereby * * * convene the Eighth Legislative Assembly in extraordinary session * * * on 1 December, A. D. 1903, for the purpose of considering the legislation hereinbefore referred to and taking such action thereon as it may deem wise or expedient."

The legislature, by an act approved the same day, amended the Code so as to require a judge to change the place of trial: (1) when the county designated in the complaint was not the proper county; (2) when there was reason to believe that an impartial trial could not be had therein; (3) when the convenience of witnesses and the ends of justice would be promoted by the change; (4) when from any cause the judge was disqualified. In this last instance, provision was made that a member of the bar, or another district judge, on the written agreement of the parties to the suit, could be called to act as judge and should then have all the powers of the resident judge.

Another law approved at the same time as the foregoing, namely, 10 December 1903, provided that a judge might be disqualified, among other things, by affidavit of prejudice. One of the contesting parties, under this item, must make affidavit that he had reason to believe he could not receive a fair trial by reason of bias or prejudice on the part of the judge. After such affidavit was filed with the Clerk of the Court the judge of that court could not act in that matter, and must call in some other district judge. The plaintiff might disqualify not more than five judges in such an instance, and the defendant as many.

This provision for disqualification of judges was amended by an act approved 8 March 1909 so as to disqualify also a judge who had been attorney for either party, or had rendered a judgment from which appeal was taken. But by this amendment the number of judges who might be disqualified for prejudice was limited to two by each side.[168]

The Michael Davitt Case

The reader will recall that the Michael Davitt was sold under the hammer to the Butte and Boston in November 1897, the Montana Ore Purchasing being one of the defeated bidders. In March 1898 the owners brought suit in the Federal district court against the latter to restrain removal of ore and on June first Judge Knowles issued an injunction restraining all operation of the disputed area.

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[167] 1903 Laws, chapter I, Second Extraordinary Session. Approved 10 December, 1903.

[168] After considering this mass of litigation one wonders if Horace J. Stevens was intentionally facetious or merely naive when he wrote the following description of Butte: "The country rock of the Butte district is granite, and the cupriferous veins, of quartzite, are many in number and run approximately east and west. The multiplicity of these veins and the difficulty of locating all their dips, spurs and angles have complicated mining with litigation, as Montana mines are worked under the archaic federal mining laws, which are excellently adopted for application in an exclusively pastoral or agricultural district. One of the exciting features of mining in Butte is that the 'owner' of a mine never knows what he owns, and cannot foretell the day or night when some other man or company will take possession of his best property. Next to mining and smelting, litigation is the chief industry of Butte, and highly profitable to the lawyers. Litigation is also complicated by politics. That the camp has flourished as it has despite these conditions in convincing proof of its richness." *Copper Handbook,* Volume II, 82 (1901).

For several years the truce lasted, then, apparently, Heinze determined to risk the wrath of the court. On 24 August 1903, he transferred to the newly chartered Johnstown Mining Company all his title to the disputed ore bodies. This corporation, not being under the injunction, might possibly work without molestation. Openings into the disputed ground from the Pennsylvania were carefully closed by great bulkheads and cross-cuts from the Rarus gave entry into the rich lodes. Workmen in the Pennsylvania heard heavy blasting day and night as Heinze's men dug closer to his rival.

In October 1903, the Amalgamated workmen drilled into the Michael Davitt and confronted Heinze's men. Then a civil war broke out. The Pennsylvania miners used steam and hot water; their opponents fought them with powder smoke and slacked lime to prevent entry into the workings. As the invaders bored their way through the waste with which the looted pockets had been filled, avalanches of timber and stone threatened their lives. But enough evidence was secured by the Amalgamated to take the matter into court again. Even while the hearing was in progress, Heinze mined furiously for he needed the money to be had for the ore. When compelled to desist, his miners exploded immense quantities of powder in the workings so as to prevent an estimate of the amount of ore mined by measuring cavities.

Judge James H. Beatty of Idaho tried the case and, on 30 March 1904 found F. Augustus Heinze guilty of contempt of court, fining him twenty thousand dollars. At the same time Josiah H. Trerise and Alfred Frank, Heinze's superintendents, were each fined one thousand dollars. Heinze had admitted to a friend before the judgment was pronounced that a fine of a quarter million was not excessive. The testimony showed that he had taken a million dollars worth of ore.[169] Heinze appealed his conviction to the Court of Appeals but got no relief.[170]

Strange as it may seem, Heinze actually enriched the Amalgamated. His forays into disputed ground revealed rich deposits of ore "of which the Amalgamated never dreamed, and which the timid and scholastic methods of some of its own engineers would have left undiscovered for years, if not forever."[171] To Heinze was largely due the discovery of copper ores outside the zone of what was considered the ore-bearing region in Butte. And to Heinze was clearly due to the demonstration of the folly of the apex theory of mine ownership.

These numerous suits involving the Amalgamated had their repercussion in the stock market. The Amalgamated and its allies controlled more than fifty-five per cent of the American copper production and were in a position to dictate prices. An effort on their part to raise the price of copper by withholding the metal merely gave their competitors an advantage, while they had to borrow money to keep going. In September 1901, Amalgamated passed its usual quarterly extra dividend of a half of one per cent, with the result that stock selling at 130 in June fell to 90. An industrial crisis in Germany reduced the demand for copper in that market. Foreign shipments for the calendar year to date were only half of the amount of the year previous to that date. A stock of the metal was accumulating but the price was held steady at a loss of dividends.

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[169] *151 Federal Reporter,* 131.

[170] Connolly, *op. cit.* 221-226.

[171] *Ibid.,* 228.

On September 27 rapid trading in Amalgamated stocks took place on the New York Exchange. In five days 732,460 shares were sold, or nearly half the outstanding issue. From 108½, on Friday the twentieth, the price dropped to 88⅜ on the following Wednesday.[172]

At the annual directors' meeting the failure to pay the usual extra dividend (the regular quarterly dividend having been paid) was explained by the expenditures for the new smelter at Anaconda and the situation of the metal market. Since its formation in April 1899, the Amalgamated had paid dividends at eight per cent. The stock had been selling on a basis of sixteen per cent but had gone to a ten per cent price. Since 1895, its great subsidiary, Anaconda had paid 69½ per cent of the investment back to its owners in dividends, averaging a little better than eleven per cent annually.

On October twelfth it was reported in New York that Amalgamated had shut its mines on Sundays. Since the mines had been producing more than the mills could handle, this did not affect production of copper. By that time the only copper on hand in America belonged to the Amalgamated and was being withheld from the market to hold up the price.[173]

In December Amalgamated stock was still on the toboggan. On the third it fell to 71½. On the nineteenth the directors voted only a one per cent quarterly dividend to be paid 27 January, in place of the two per cent normally expected. Sales went as low as 63, and during Christmas week selling was very heavy. For the Wall Street lambs, collar salesmen and elevator boys, who had bought this stock on a margin expecting to become second Rockefellers, this was a dreary Christmas.

By New Year's the Amalgamated had failed to raise the price of copper or even to maintain it at the price of sixteen cents a pound where it had been throughout the year previous. In spite of decreased production the monthly average price for December 1901 fell to 13.8 cents.

The Denver correspondent of the London *Economist* in his news letter of 15 November 1901 advised his English readers not to invest in Amalgamated but to let Americans handle their own corporation. He stated that when the price of copper declined in the autumn of 1901 the Amalgamated had been forced to choose between lowering the price or limiting the output. Although the policy of limiting the output did not detract from the value of the mines it prevented the earning of dividends. "This is a great and wonderful mine," said the anonymous writer, very evidently an Englishman thoroughly familiar with the metal industries, "but the interests of those who control the company are not identical with the interests of the smaller outside holders. It may pay the Amalgamated to work the mine at half its capacity, or shut it down altogether, if by so doing it could raise the price of copper from its other mines, but such a course could not possibly pay the outside shareholders." The logic of this statement is made clearer, perhaps, if one understands that the writer was thinking of the shareholders in the Boston and Montana and other companies who did not own Amalgamated stock. Of course, one had to own Amalgamated stock to profit by the policy of shutting down the mines of one or more subsidiaries and operating other mines to full capacity.

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[172] *Engineering and Mining Journal*, 72:392; 415.
[173] *Ibid.*, 72:452.

The difficulty of price control by the Amalgamated group was enhanced by the failure of the owners of the rich mines in Michigan and Arizona to join them in manipulating the price. These companies feeling, no doubt, the pressure of over-production, probably yielded a point to copper buyers and thereby had sold a far greater portion of their metal than the Amalgamated. And since the Arizona and Michigan mines produced as much copper as all Montana mines, both inside and outside the Amalgamated, the relatively weak position of that combination in any effort to fix the price of copper was patent.

In April 1902 the *Economist* editorially commented upon the loss sustained by Amalgamated in attempting to force other producers to join them in an attempt to fix the price of copper, saying that by a series of blunders it had benefited its competitors at its own serious cost and that if an utter collapse was to be averted, the Heinze group of producers would have to be induced, by much better terms than theretofore offered, to join the Amalgamated group.[174]

The late winter and the early spring of 1902 brought no sunshine for the small owners of Amalgamated. The big ones could afford temporary losses so long as they had the privilege of buying stock fully worth one hundred dollars a share at a price of 63. In March reports were current that the April dividend would be still smaller. On the fourteenth, the metal sold as low as twelve cents and on the seventeenth, Amalgamated stock sold at 61½. A month later the directors voted another half of one per cent dividend. Even this was more than was hoped for and the price of the stock strengthened a few points.[175]

The price of copper dropped steadily during the latter half of 1902, reaching 11.2 cents a pound for electrolytic in November. The selling price of Amalgamated fluctuated at low levels, reaching its bottom at 53 on the fifteenth of November. During the four days following the nineteenth, more than ten per cent of its stock changed hands at from 55 to 60. After New Year's a slight improvement in the price of copper was reflected in increased values of the stock. In March the metal sold at 14.4 and the stock around 71. The payment of the February dividend undoubtedly helped to restore confidence. Late in May a drop began in both which bottomed in August with copper at 12.9 and Amalgamated, on the fifth, at 37. This was only a third of the price that many little speculators had once paid for the stock.

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[174] *Economist*, 60:530.

[175] *Ibid.*, 73:567.

On October twenty-third came Judge Clancy's decision and the closing of the Amalgamated mines and mills, throwing about twelve thousand men out of work. During that unhappy week sales in New York market exchanged 398,585 shares at prices ranging as low as 34.50. Nevertheless, Amalgamated paid its fifty cent quarterly dividend on 30 November and at the end of the year the stock was selling around fifty with heavy selling reported. Then, as we have seen, the mines reopened and production began again. A few months later the Russo-Japanese war developed the best copper market which the industry, up to that time, had enjoyed. The crisis was past, and the Montana copper industry went on to greater prosperity.

United Copper Company

Another important financial organization of this period was the merging of the Heinze interests. On May first, 1902, Heinze formed a South Dakota corporation known as the United Copper Company, with an authorized capital of eighty millions. Five million was preferred stock at six per cent cumulative; of the seventy-five common only forty-five was to be issued at that time, the thirty million remaining in the treasury was to be used to acquire new properties. Some of this stock was sold in Europe.[176]

A month later the stock sold on the New York curb around 35 but when listed on the Boston Exchange in July was stated to have a par value of one hundred dollars. Only the common stock was listed. The properties of the new company were stocks and bonds of the Montana Ore Purchasing, Nipper Consolidated, Cora-Rock Island Mining, Minnie Healy Mining, and Belmont Mining companies. The stocks held were valued at approximately fifty millions. F. A. Heinze was the president of the United Copper; Arthur Heinze, John MacGinnis, and Stanley Gifford were vice presidents; and Richard Lacey was treasurer.[177]

Legal Difficulties of the Anaconda

In the meantime, the Anaconda Company had gotten into difficulties with the Federal Government, with Heinze, and with W. A. Clark. Each of these matters require separate treatment.

The difficulty with the Federal Government involved timber purchases. Under the law of 13 June, 1898, the purchaser of public land valuable for timber or stone was limited to one hundred and sixty acres and the applicant was required to swear that the purchase was not a speculation, was exclusively for his own use, and that he had no arrangement for a transfer of title. Thus it was impossible for the company to purchase the timber it needed from the Government. Actions totaling $825,000 were brought by the Federal District Attorney Rodgers against the Anaconda Company, the Marcus Daly Estate and the Bitter Root Development Company for timber alleged to have been illegally cut.[178]

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[176] *Engineering and Mining Journal,* 73:641.
[177] *Ibid.,* 74.

The difficulty between the Anaconda and Heinze went back to 30 April 1899 when the latter located the Copper Trust claim. This little fraction consisted of two small triangles totalling in area only nine-thousandths (.009) of an acre, one of which lay between the Johnstown claim on its south and the Mountain View on its north, and the other to the east of the latter. It was claimed that the Copper Trust contained the apex of the great Anaconda vein. Judge Clancy granted Heinze authority to survey the Anaconda and the Saint Lawrence mines, and also found that the Copper Trust ownership carried with it extralateral rights in the Anaconda vein. But the Supreme Court repudiated this decision and decided that the Copper Trust had no extralateral rights on that vein.[179]

The quarrel between the Anaconda and W. A. Clark was due to the joining of veins of copper ore owned by each of them. The veins of Colusa-Parrott, owned by Clark, and Never Sweat, owned by Anaconda, ran together between the 800 and 1000 foot levels. One case was brought to determine ownership of the disputed area and another was prosecuted to obtain damages for ore removed by the Anaconda and claimed by Clark. The value of the ore was placed at $600,000.

In the trial, which began 20 March and ended 2 June 1900 Judge Knowles of the Federal Court, found for the Anaconda. The bill for costs in the ownership case, as filed by the Anaconda, was $273,350 exclusive of attorney's fees. The largest item was for development work which had been ordered by the Court to assist in determination of the case, amounting to $189,020. Maps and models in the case cost $35,324 and witness fees cost $16,354.[180]

Two years later Clark brought another suit for $700,000 worth of ore alleged to have been taken from his ground. This time the Anaconda lode was involved in the controversy. This suit was settled out of court when the Anaconda Company purchased the Colusa-Parrott from Clark.[181]

The sale of this property gave Clark some free capital with which he improved his remaining properties, the Original, West Stewart and East Stewart mines. These, after sinking of the main shafts and installation of a new hoisting engine, were able to keep the Butte Reduction Works smelter busy.[182]

Now that Daly was dead, Clark was able to get the Montana legislature to elect him as United States Senator, and after his term began, 4 March 1901, he displayed little interest in copper mining and smelting. He was, by this time, independently wealthy and he had reached an age when men begin to think of the enjoyment of their wealth rather than its continued aggrandizement. Clark was not enthralled by the desire to enlarge the copper industry, nor was he a financial genius who enjoyed weaving webs of money. He had made his money by dint of grinding toil and self-abnegation in his early days; he was miserly with his wealth; and when he had freed himself from the cares of business he devoted himself to the social graces and his art gallery.

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[178] *Ibid.*, 72:49.

[179] C. W. Goodale, "United States Mining Laws," *Engineering and Mining Journal*, 79:223; *Ibid.*, 73:565.

[180] *Engineering and Mining Journal*, 69:359, 510, 689, 720.

[181] *Ibid.*, 73:288, 329.

[182] *Ibid.*, 73:396.

The Washoe Smelter

Following the consolidation of the large companies into the Amalgamated it was deemed advisable to erect a new and much larger reduction plant near Anaconda. The plans for this great plant were begun in April 1900 by a force of engineers under Mr. A. G. Gullsberg who utilized the experience of Mr. Frank Klepetko, the general manager of the Company. Here, under one management were gathered all the processes for the separation of the metals from their matrices,—concentrators, roasters, reverberators, convertors, and even a briquetting department for the greater conservation of the metallic content.

GRAND CANYON OF THE YELLOWSTONE

Some idea of the enormous size of this largest smelter in the world may be gained from a quick glance at the amount of material which went into it. The construction of the plant consumed twenty thousand tons of structural steel and iron; twenty-five million feet of lumber; a thousand carloads of brick,—ten million common in the walls and chimneys, 2,500,000 fire brick in the roasters, furnaces, and stacks; fifty thousand yards of masonry. The entire plant covered seven acres; the roaster building was 98 by 330 feet, and the concentrator building 433 by 646 feet. The plant cost $9,500,000 but it was expected that it would cut the cost of reducing copper between 1¾ to 2½ cents a pound.[183]

In October 1901, it was reported that the old Upper Works had nearly closed down and that the work was being transferred to the new Washoe Smelter. On the 25th of January, 1902, the new works were opened, but not to full production.[184]

Soon it was found that the smelting operations gave rise to a great volume of fumes "containing large quantities of arsenic, sulphur, and other noxious and poisonous substances," or at least so the farmers of the vicinage charged. Between the time of opening of the new works and February 1903, the Company, according to its lawyers, paid more than $330,000 to its neighbors. Then it proceeded to rearrange its flues hoping to avoid this nuisance. During the spring and summer of 1903 the four 225-foot stacks were changed to one great stack connected to the furnaces by long flues.

The new stack, said to be the tallest chimney in the world, was built on an elevation eleven hundred feet above the valley. The stack itself rose three hundred feet above its foundation, with a diameter tapering slightly to thirty feet, inside measurement. The furnaces were connected to this stack by flues 2300 feet long, and out of the dust chambers of these flues about two tons of arsenic were recovered daily and sold for insectides, fungicides and other commercial purposes.[185]

But still the farmers complained. On their behalf, F. J. Bliss, an Idaho citizen, brought suit in the Federal Court, on 4 May, 1905 to prevent the operation of the smelter. It was asserted that poisonous substances were being discharged from the stack, carried by the wind, and deposited on the fields to the detriment of beasts and plants. The farmers offered to sell out completely for two million dollars. The defendants denied that any injury had been done since the new stack had been in operation and stated that no better method of handling the gases was then known to the industry.

On 18 December 1905, Oliver T. Crane, the master in chancery, was ordered to hear further testimony and report his findings. He reported on 10 January 1908, that since 1903 no damage had been done by sulphur but that arsenic was being deposited on the fodder crops in quantities which sickened the animals. He found no permanent injury to the soil. The testimony in his report covered 2500 pages. As a result of this hearing the Court dismissed the complaint on 26 April 1909, and ordered each side to bear its own costs.[186]

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[183] *Ibid.*, 73:311-313; *Copper Handbook*, Vol. II, 1902. The company published an official description of this plant under the title, *Anaconda Copper Mining Company's New Reduction Works.*

[184] *Engineering and Mining Journal*, 72:505; 73:191.

[185] The cotton planter uses arsenious compounds to discourage the boll weevil. In 1928 Montana was shipping 220 carloads annually, about half the national output.

General Condition of the Industry, 1904

Consumption of copper rapidly increased during the fall of 1904, due partly to expansion in the electrical industry and partly to the Russo-Japanese war. Russia's purchase of American copper jumped from ten million pounds in 1903 to twenty-two million in 1904. Evidently the United Kingdom was supplying Japan, for the importation of that country increased from forty-seven million pounds to one hundred twelve million.[187]

During 1904 the Amalgamated mines and smelters produced 252 million pounds of copper out of the Montana total of 298 million. The great Washoe smelter was running in full force and the Great Falls plant was turning out eight million pounds of refined copper monthly. The four large producers in Montana aggregated 4,106,650 tons of ore divided among them as follows: the Amalgamated, 3,217,400; United Copper (Heinze), 438,000; Clark, 360,000; and Speculator Company, 91,000.[188]

During the year, the shaft of the Anaconda was sunk two hundred feet to the 2400-foot level; Mountain View was equipped with a new hoisting engine which would work to three thousand feet; and the Never Sweat was sunk to the 2200-foot level. The Amalgamated was employing 6,870 men in Silver Bow County and its pay roll ran over a million dollars a month.

United Copper could not produce enough ore from the Rarus, Minnie Healy, Cora and Belmont to keep its smelter busy, so it leased the old Lexington which had long been idle. Ore from this mine had a large zinc content besides copper, silver, lead and iron. The Lexington was 1,465 feet deep and filled with water below its 550-foot level. In addition the smelter took in all the custom ore offered. In August 1905, United Copper announced that it would substitute electric pumps in place of steam in all its mines. The Pittsburg and Montana Copper Company had been the first in this district to adopt electric pumps, having installed two of them in the spring.

W. A. Clark mined and treated thirty thousand tons a month and from it produced twenty-one million pounds of copper annually. He employed a thousand men and raised more ore than he could smelt at his Butte Reduction Works. The surplus went to the big Washoe smelter of his neighbor, the Amalgamated.

In the year 1905 copper production reached a new high level, not only in Montana but also in the United States as a whole. The following table makes a comparison not only of different years but also of the producing fields.[189]

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[186] *167 Federal Reporter,* 342.

[187] *Mineral Resources 1905,* 358.

[188] *Engineering and Mining Journal,* 79:23.

[189] *Mineral Resources 1905,* 345.

	1895	1900	1905
	(pounds, -000,000 omitted)		
Superior	129	145	230
Arizona	48	118	236
Montana	190	271	315
Utah	2	18	58
All others	11	54	63
Total	380	606	902

From this table it will be apparent, that, while Montana kept her leadership in quantity, her mines did not show the capacity for rapid expansion which the Superior and Arizona mines revealed; for example, while Montana was increasing sixteen per cent, Superior increased fifty-eight per cent and Arizona nearly doubled its production.

By this time new fields in California, Utah, Idaho, and Alaska were producing large quantities of copper, spurred no doubt by the increasing price. Lake copper which brought twelve cents in 1902 was now bringing fifteen.

Import and Export of Copper

Imports of copper in ore and matte increased rapidly during this period. In 1895 the import was twelve million pounds; in 1900 it was 136 million; and by 1904 it was 596 million pounds annually. These figures cover the gross weight of the ore or matte, not the copper content. According to the Federal Bureau of Statistics of the Department of Labor, this ore and matte contained some thirty-nine million pounds of copper, of which 38 per cent came from British North America and 53 per cent came from Mexico. This, however, was not all; 142,344,433 pounds of finished copper in ingots, rods, and sheets came in, mostly from Mexico, but partly also from the United Kingdom and British North America.[190]

The exports of 1904 amounted to 42,396,480 pounds of ore and matte; and 554,550,030 pounds of ingots and bars. The Netherlands was our best customer, taking more than a quarter of all copper products exported;[191] next came the United Kingdom; and third, came Germany, with France a close fourth. Even far away China took ten million pounds.

Taking the copper imported plus the copper produced as the total production, the United States exported less than a third in 1901, but three years later, the export copper was 57 per cent of the total production.[192]

Anaconda's Report for 1905

For the first time in a number of years the Anaconda Copper Mining Company in 1906 made a public report of its operations. The report covered the calendar year of 1905 and revealed that its mines had produced 1,543,316 wet short tons of ore, at a cost, including development, of $3.50 a ton. The other expenses of producing fine copper were: 14.7 cents a ton for freight to the reduction works; $2.62 for reduction of ore at Anaconda; $1.11 for freight, marketing, and refining. The total expense came to 12.37 cents a pound for the copper less the precious metals included in the ingots which amounted to 2.42 cents per pound of copper. Thus the profit of the year's work amounted to 19.06 per cent on the capitalization of thirty million dollars and this built up the undivided surplus to 24.13 per cent of the capital.

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[190] *Mineral Resources 1904*, 245-6.

[191] A large part of this was probably distributed for final consumption to other countries.

[192] *Mineral Resources 1905*, 358-9.

Mining had gone to a depth of 2,400 feet in the Anaconda, and 2,200 feet in the Never Sweat and Saint Lawrence, opening large ore bodies which gave assurance of prosperity for years to come.[193] During the year the Washoe smelter had added to its capacity so that instead of 2,700 tons it could handle daily 4,700 tons of ore. The concentrator plant was being equipped with electric power which would decrease operating costs.[194]

North Butte Mining Company

In April 1905, a new mining company, the North Butte Copper Company, came into existence, sponsored by Thomas F. Cole, of Duluth, and James Hoatson of Calumet. This company bought the property of the Speculator Mining Company consisting of the Speculator, Jesse, and Edith May. The Speculator was owned by the Patrick Largey estate and John Creighton, of Omaha.[195]

The new owners enlarged and retimbered the Speculator shaft, added several other mines to its properties, and opened up new ore bodies. From April to the end of the year they delivered ores to the Washoe smelter carrying more than thirty million pounds of copper, and for the first year's activities they distributed a million dollars in dividends.[196]

Reclamation of Copper from Wastes

The idea of recovering copper from mine water first occurred to a Welshman named Morgan, in 1888. Morgan, who lived not far from the Anaconda mine, noticed that "tin" cans and other scrap iron were dissolved by this water leaving a dark red sediment, which upon analysis, proved to be copper oxide. Morgan died a few months later, and a man named Fred Miller took up the matter. He made some money by collecting scrap iron and transmuting it to copper with the aid of the sulphuric acid-bearing mine waters.

It remained, however, for William Ledford to put this method on a business basis. In 1901 he secured a lease on the Saint Lawrence-Anaconda water at a twenty-five per cent royalty. During the term of his lease, which the company refused to renew, he made $100,000.[197]

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[193] The depth of the principal mines in Butte as reported 22 August, 1905, were: Anaconda, Never Sweat, and Saint Lawrence, 2,400; High Ore, Mountain Consolidated, Diamond, and Green Mountain, 2,200; Gagnon, 1,900; Pennsylvania, Parrott, Mountain View, 1,800; West Colusa, and Grey Rock, 1,600; Colusa-Parrott, 1,400; and Leonard, 1,200.

[194] Cf. *Engineering and Mining Journal*, 81:1058 and *Mineral Resources 1905*, 351.

[195] *Engineering and Mining Journal*, 72:505; 73-191.

[196] *Mineral Resources 1905*, 352.

In order to reap the benefits of this discovery, Boston and Montana built two precipitating towers for recovering copper from the waste water. In July 1905, they reported the extraction of twenty-five tons of precipitate monthly of which sixty per cent was copper. But this was not all the reclamation of waste matter. Another subsidiary of Amalgamated, the Trenton, was subjecting its tailings, i. e. the waste from concentration, to precipitation and the Parrott was offered $75,000 by D. J. Hennessy for its tailings dump which contained several hundred thousand tons, but this offer was refused, the management preferring to precipitate the metal themselves.

Legislation 1901-1905

For some time there had been agitation in Montana over the length of the working day. Mines were not comfortable places to work in, the foul, hot air, the dripping water, the darkness, the ever present danger to life and limb, the gruelling labor, all made the shifts seem very long. But the employers, fearful that shorter hours would reduce production, refused to shorten the traditional number of working hours.

A temporary shut-down occurred at the Boston and Montana mines in December 1900, throwing a thousand men out of work. The reasons alleged were shortage of water, overproduction of ore and the consequent inability to handle this over-supply. But rumor said the reason was political; the Company, it said, wished to warn the legislature which was about to meet that it must not pass an eight-hour working day law for mines and smelters which had been for some time past, and was being, strongly agitated.

If this action was meant as a warning it was ineffectual for the first bill presented in the House supported the eight-hour day and was passed, providing that underground miners, employees of smelters, stamp mills, sampling works, concentrators and "all other institutions for the reduction of ores and the refining of ores or metals" should work only eight hours except in cases of emergency where life or property was in imminent danger. The bill was ostensibly a health measure.[198]

The Anaconda Copper Mining Company did not wait until the approval of the eight-hour law by the governor but permitted the announcement on January 23 that the change would be made effective February 1. The day shift would begin at eight and cease at 4:30; the night shift would begin work at seven o'clock in the evening; and each shift would have a half-hour for lunch. The men would be raised and lowered on their own time, according to this announcement.[199]

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[197] A. F. Bushnell, "Precipitating Copper from Butte Mine-Water," *Engineering and Mining Journal*, 83.1129. Cf. the story, somewhat differing in certain details by J. C. Febles, "Precipitation of Copper from the Mine Waters of Butte District," in *Transactions*, A. I. M. E., Butte Meeting, 1913, XLVI, 177.

[198] Seventh Legislature (1901), 62.

[199] *Daily Inter Mountain*, 23 January, 1901.

When Governor Toole had signed the bill on February 2, it became public that the measure was not intended to be effective until ninety days after this signature, giving all employers opportunity to adjust their affairs to suit this schedule.

This was a great victory of public sentiment over an industry that had been thought to be somewhat callous of social opinion. It is to the credit of the copper operators that they acquiesced so amicably in the change. But there was still another sore point with regard to the labor schedule,—many good people grieved that Sunday was not a day of rest for Butte. An eloquent spokesman for those who felt thus lamented that "the great mining corporations require Sunday labor, which militates much against the cause of Christ, as do also the Sunday baseball games and Sunday excursions, both by steam cars and street railways. It is not uncommon for ten (or) twelve thousand people to go out to Columbia Gardens on a Sunday. And several hundreds more by the four lines of steam cars go out into the country while one-half of the miners are at work and the other half are sleeping. It can be readily seen how the city is distracted by those things that do not make for godliness. Besides there are hundreds of saloons that run wide open every day in the week, the greatest curse known to man."[200] Columbia Gardens, it may be explained parenthetically, had been prepared by the generosity of the copper magnate William A. Clark to relieve the squalor of the city. It was, in effect, the copper industry's restitution for the blighting of vegetable life in Butte by furnishing a park without the city limits where people might enjoy a bit of greenery.

Another bill passed by the Seventh Legislature secured to employees the payment of their wages in lawful money, prohibited the assignment of their wages to employers, and prohibited payment of wages in any other way than in lawful money.[201]

The Legislature of 1903 took up for consideration the safety measures recommended by the Mines Inspector in 1900 and passed a measure embodying them. This legislation provided that stopes must not be driven within twenty-five feet of a shaft; that a mine cage must not be run faster than eight hundred feet per minute; and that only fireproof buildings could be erected within fifty feet of a shaft or drift.[202] If an employer failed to require this of his engineer, he was liable to a fine of from three hundred to one thousand dollars. But if the engineer disobeyed orders he was personally liable.[203]

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[200] Report of the Rev. Mr. Jacob Mills to the Montana Annual Conference of Methodist Episcopal Church, 1900. Journal, page 16.

[201] Seventh Legislature (1901), 147.

[202] A shaft is a perpendicular or slightly oblique entry into an ore body; a drift is a horizontal opening; a tunnel is a drift which pierces entirely through a mass of earth "from daylight to daylight." A crosscut is a passageway running perpendicular to a drift or tunnel on a horizontal plane, while a stope is a chamber or passageway running obliquely from the horizontal. It is customary in Butte to run the drifts at levels one hundred feet apart; if veins or ore bodies lie intermediate, and not cut by the shaft itself, they are reached and excavated by stopes.

[203] *Session Laws of Montana*, 1903, page 155.

In 1905, legislation forbade the employment of children under sixteen years of age in underground mines,[204] and made new stipulations regarding responsibility for damages. Employers operating mines, smelters, or mills for the reduction of ores were thereafter liable for any damage sustained by any employees, without contributory negligence of any superintendent, foreman, shiftboss, hoisting, or other engineer, or crane men. No contract of insurance, or other contract, would constitute a bar to suit for damages, and in case of death the right of action would survive and vest in the lawful heirs of the estate. This statute, it will be observed, modified the common law relevant to the "fellowservant," but did not go as far as the later law which was to fix practically all responsibility upon the employer.[205]

Ousting Heinze

Flambouyant as the experiences of "Fritz" Heinze had been in Butte, his departure was as unostentatious as his advent had been. Although he had promised the workmen, in the fall of 1903, that he would protect them from "Standard Oil," before spring came in 1906 he had sold out, and Butte became a "one company" town.

There had been rumors in Butte that Heinze was expecting to sell but the first official announcement was made on February 13 in New York City. Then it was made public that Mr. Thomas F. Cole, a financier of Duluth, would hold in trust the title to all disputed ground of the United Copper Company. The consideration was rumored to be about twenty-five million, a great exaggeration as it afterward proved. The settlement did not assume that the United Copper would go out of business, on the contrary, arrangement was made that its ore should be treated at the Amalgamated smelters.[206]

The Cole purchase was transferred to the Butte Coalition Mining Company which had been chartered at Trenton, New Jersey, on February 24. The capitalization was a million shares at fifteen dollars each. Thomas F. Cole was named as president, and John D. Ryan as vice president. The latter, it will be remembered, had been prominent in the Amalgamated coalition for several years.[207]

John D. Ryan was the son of the discoverer of the Copper Range mines in Northern Michigan, born in 1864. His first job had been in a general merchandise store owned by his uncle; then he went to Denver, at the age of twenty-five, where, after six months of job hunting, he found employment as a traveling salesman for a lubricating oil. In that employment he met Marcus Daly, but he never worked for the copper magnate as has been erroneously stated. After Daly's death he scraped together a few dollars and borrowed money to buy out some minority stockholders in Daly's chain of banks. Little by little he increased his holdings until he was at the head. After Mr. H. H. Rogers had taken charge of the Anaconda and had formed the Amalgamated, he put Ryan in charge, who set about getting Heinze out of Montana.

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[204] *Session Laws of Montana*, 1905, chapter 16.

[205] *Ibid.* Chapter 23.

[206] *Engineering and Mining Journal*, 81:350.

[207] *Ibid.*, 81:445.

When Ryan opened negotiations, Heinze was ready to sell but wished the public to believe it was a merger or a compromise. Ryan, however, wanted to get rid of Heinze entirely. Heinze, according to a later statement by Ryan, was mortally afraid the miners would learn he was preparing to sell as he was promising to fight their battles if they would support him. The two financiers never met except in the most out-of-the-way places; never entered a building together; never went to each other's offices. "From the very opening of negotiations," said Ryan, "Heinze and I were friendly and, though many times we came very near breaking off, we continued to treat with each other in absolute good faith. He never once broke his word to me. After six months' negotiating we finally met and talked price from nine to three in the morning and settled things."[208]

This purchase by Amalgamated interests made it possible to discontinue the lawsuits and work once more the Michael Davitt, Nipper, Snohomish and Tramway claims which had been closed by injunctions. Only the old Lexington, once owned largely by Frenchmen, was being worked by Heinze. This property was under lease and the ore from it was shipped for concentration to the Basin Reduction Works in the name of Louis Girard, an owner of the property. No attempt had been made to lower the water which flooded the mine below the 550 foot level, hence only the upper levels were being worked. This ore contained a considerable amount of zinc which was sold to the Montana Zinc Company. By recovering the zinc, which had once been mere waste, a lower grade of copper ore could be profitably handled.[209]

The Butte Coalition was only a holding corporation and operated through the Red Metals Mining Company.[210] By the end of the year the company was vigorously prosecuting development and was "rapidly bringing its mines from their former chaotic state, the result of the haphazard operation by the United Copper, up to the standard of other large mines." Good ventilation had taken the place of bad air in certain parts of the Rarus and Minnie Healy and the output of ore was between a thousand and eleven hundred tons daily.[211]

The general sentiment of the American public concerning the change was, perhaps, well expressed by the editor who wrote:

"It is not because of any obvious commercial or moral gain that a truce in the 'Montana copper war' is to be welcomed. That struggle has been attended from the first, however, by so notorious a debauching of courts, voters, and legislatures and by such utter demoralization of the business communities in the tainted district, that anything was better than its continuance. Nobody comes out of the contest with clean hands, but at any rate there is now hope of ending it. * * *"[212]

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[208] B. C. Forbes, *Leslie's Weekly,* May 10, 1917. 124:551.

[209] *Engineering and Mining Journal,* 81:438.

[210] *Mineral Resources 1905,* 350. The mines transferred were the Minnie Healy, Cora, Rock Island, Nipper, Belmont, Johnstown, Hypocka, and Guardian.

[211] Dispatches from Butte, 29 December, 1906, in *Engineering and Mining Journal.*

[212] *The Nation,* 82:149, 22 February, 1906.

The sale of United Copper's principal mines, commonly reported in Butte to be at a price of $10,500,000,[213] took Heinze's influence out of Butte. A few years later there was a brief recrudescence of this in the affairs of the Davis-Daly Company, which will be later considered, but the recrudescence did not lead to litigation. Whatever success Heinze had must be partly credited to his native cleverness, his engineering ability and his lack of scruples which inhibit most men, but the credit must be shared with those able lawyers who advised his maneuvers, and directed his litigation. If it is to be deemed a mark of greatness in a man to be able to select capable subordinates, then Heinze must rank high for having chosen these able lieutenants.

Consolidation—Expansion—Stagnation

With the elimination of Heinze from active control of strategically located claims in Butte the way was open to reduction of costs by consolidation of management. When these savings had been effected the European war made possible a great expansion, but after the armistice several years of stagnation followed during which the industry paid the price of over-production.

Due to shortage of labor the Montana copper production for 1906 fell below that of the two years preceding, but an increase of price, due to heavy demand, made this decreased production much more valuable.[214] In fact, copper sold at an average of 22.9 cents in December.

In 1907 copper prices began to climb in the face of heavy export demands. The January average was 24.4; the February 24.8; in March the average reached 25.065 cents a pound. But then the market turned and after July the fall was rapid, 21 cents in August, 18 cents in September, down to 13 cents in December,—so that the variation in monthly averages during the year was 11.9 cents. The average for the year was 20 cents. It was noted at the time that the December price was the average price for the last quarter-century, which eased the sting of the reduction for the statisticians, perhaps, but not for the owners.[215]

During 1908 the prices continued low with little fluctuation, the yearly average being 13.2 with the prices reaching their highest average in November. The financial gloom with which the year opened did not, apparently, hurt copper prices.

The price of Amalgamated stock was an entirely different matter, for this "security" was extremely sensitive to general market conditions and not altogether by the price received for the product. In December 1906, the stock sold at 112; on 28 April 1908, the price was 60. In fact, the price of Amalgamated was purely speculative and bore little or no relation to the actual earning capacity.

The report issued by the Amalgamated for the year ending

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[213] Connolly, *op. cit.* 29:332.

[214] *Engineering and Mining Journal,* 83:5, 7.

	Quantity	Average Price
1904	298,314,804	11.9
1905	319,179,885	15.6
1906	293,000,000	19.3

[215] *Mineral Resources 1907,* Part I, 574.

30 April 1909, showed that the earnings for the year had been able to pay the customary two per cent dividend as well as to add a half million dollars to the surplus, making a total undivided surplus to date of twelve and a half millions.

Operations at the subsidiary properties had gone on without interruption except that for a time the Washoe smelter had been unable to get coke because severe weather had been preventing the railroads from making deliveries; and flood damages at Great Falls had closed that plant from June to September. Electric pumps had been installed during the year and results had been so satisfactory that it was planned to do all the mine pumping with this form of power hereafter. The fire which had burned in the Anaconda mine for nineteen years was occasioning some inconvenience but had not interfered seriously with operation of the mine.[216]

The Davis-Daly Copper Company

Lest the reader imagine that all ventures in copper mining were as prosperous as the Anaconda perhaps it would be well to turn for a time to the consideration of a company whose assessments exceeded its dividends.

This company was organized by Joseph A. Coram, a well known Boston financier. Mr. Coram first organized, early in 1906, the American Consolidated Copper Company, a Maine corporation with $150,000,000 capital, to operate in Montana, California, and elsewhere. In May he bought the interest of F. A. Heinze and the heirs of Andrew J. Davis in the Davis Estate mines. Ground was purchased on the Big Hole River for a smelter, twenty-nine miles south of Butte. It was distinctly asserted that Heinze would have no interest in the control of the company although he had accepted stock in payment for his one-eleventh interest in the Davis Estate.[217]

Late in May Coram forced another Maine corporation, capitalized at $10,500,000 to hold these Montana properties. It was called the Davis-Daly Estates Company.[218] The principal mine of this corporation was the Smokehouse, whose shaft was in the heart of the city on a lot 130 feet square. There was no room here for a hoisting and pumping plant, ore bins, or waste dump and the experienced miner wondered at the phenomenon of a shaft without the surface necessities. It later developed that the operators of the Smokehouse intended to run mine cars over the city electric railway tracks and dump waste material outside the city.[219]

This shaft had been started in 1899 but after being sunk 520 feet had been left to fill with water. When, in 1906, operations were begun to dry this shaft, instead of using a pump as was customary, a six hundred gallon tank was used as a bucket. It was found that the electric motor used for hoisting would only lift this two-thirds full, but by December the water had been lowered to the five hundred foot level.

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[216] *Engineering and Mining Journal,* 87:1199.

[217] *Ibid.,* 81:156, 967, 1016.

[218] *Ibid.,* 81:1118.

[219] *Ibid.,* 82:1029.

In the spring of 1907, this company developed the Colorado, Silver King, and Mount Moriah shafts, as well as the Smokehouse, without finding ore in commercial quantities. They also made arrangements with the owners of the Original to have a crosscut made from the 1,800-foot level of that mine southward into their own properties.[220] But in the summer all work in these properties ceased for a time.

Work was resumed the following spring after pumping out the Colorado shaft. Development work continued but in June several legal attachments indicated a lack of money to go further unless some ore could be found and marketed.[221] In August, 1908, efforts at financial reorganization were begun, and on September 5th at a stockholders' meeting 319,000 shares out of 600,000 voted to accept the proposal of the formation of a new company.[222]

The new company, known as the Davis-Daly Copper Company, was headed by F. Augustus Heinze as president and late in September the property of the old corporation was transferred to the new.[223] The stockholders of the old company were assessed 50 cents a share (600,000 outstanding) in order to cover the debts, and about 7½ per cent of the stock was forfeited by failure to pay the assessment. In March, 1909, reports were circulated that an important strike of 4 per cent copper had been made in the 1,400-foot level of the Colorado mine and in the autumn the company was shipping upward of 175 tons of ore daily.[224]

In the meantime, Newman Erb, the managing director, said he was willing to let Heinze dictate the policy of the mining operations but objected to his interference in the financial arrangements. Erb stated that only a sixth part of the $1,200,000 recently paid into the treasury by the stockholders remained, and therefore he wished a more conservative administration of affairs. As a result of this quarrel Erb resigned, leaving Heinze in full control of the affairs of the corporation. Erb, supported by S. M. Jarvis, took his fight into the courts of Maine seeking temporary restraining order to prevent holding the stockholders' meeting which Heinze had called for September 28th, for he knew that the meeting would confirm Heinze's policies. The meeting was adjourned until October 15th, at which time it developed that Heinze had the majority of the proxies, and Erb was defeated.[225]

Another assessment to provide funds for Davis-Daly was required in June, 1910. Operating expenses were $10,000 a month and returns on sale of ore were small. The stockholders were then informed that a body of high grade ore had been blocked out on the Colorado's 1,400-foot level and that on other levels ore of lower grade had been found in commercial quantities. The financial statement of 30 June, 1910, showed assets of $6,808,250, cash on hand $702,136 and working capital of $544,888. Income, exclusive of assessment had been $93,737 and expenses $444,723. The investors must have thought it was high time that the management sold some ore, but evidently they kept their patience.[226]

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[220] *Ibid.*, 83:403, 1213.

[221] *Ibid.*, 85:1313.

[222] *Ibid.*, 86:635.

[223] This property consisted of several Butte city lots, and the following claims: Baltic, Smokehouse, Ramsdell, Silver King, Thomas, Great Republic, Hibernia, Silver Joe, Jumping Jack, Broker, New Era, Maximilian, Morning Sun, Yellow Jack, Pawnbroker, Charlotta, Mount Moriah, Plymouth and Carrie. *Ibid.*, 86:736.

[224] *Ibid.*, 86:781, 875.

[225] *Ibid.*, 88:621, 699, 749, 800, 847, 946.

In April, 1911, the eastern stockholders sent a mining engineer to examine the properties which had absorbed so much capital and had yielded so little dividends. Mr. Wiley made a favorable report and advised extensive development, which was very encouraging but put no money in the treasury.[227]

After months of weary waiting the stockholders of Davis-Daly learned that in October shipments of ore had begun. During this month 145,595 pounds of copper, 10,764 ounces of silver, and 24.77 ounces of gold were yielded.[228] These shipments continued during the winter and spring, returning sufficient funds to pay expenses. The Anaconda Company permitted them to cross-cut from the Gagnon shaft on the 2,000-foot level to reach the western end of their property,—which, by the way, was another very expensive piece of development.

During the year ended 30 June, 1912, the company reported an excess of expenditures over receipts of $127,339 but claimed it had much ore in sight.[229] Another assessment of stockholders two years later revealed a magnificent staying power in the face of very discouraging reports.[230]

Copper Producers' Association, 1909

The value of accurate statistics concerning the production, consumption and amount of copper on hand had led producers to arrange for such a compilation during the '90s. But this plan soon collapsed because competing firms were afraid that the secrecy which was then thought to be essential to the proper conduct of business, would be violated.

The need of accurate figures was so great, however, that representatives of all the large copper producers met 18 December, 1908, and appointed a committee to arrange a plan. This committee reported on the 12th of January and their scheme was adopted subject to ratification by their companies. L. C. Graton, then employed by the United States Geological Survey, was chosen to be the secretary and statistician. He was expected to make monthly reports, of totals only, beginning to work at once. By the middle of March a report was made by the association that during the month of February 3,703,600 pounds per day were produced and that some 31,000,000 pounds were exported. Copper was very cheap at that time, selling around 12 cents a pound for electrolytic, and a large stock was on hand. These conditions made it a good time for the Anaconda to buy out more competitors.

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[226] Ibid., 89:1343; 90:833, 895.

[227] *Ibid.*, 91:881, 1030.

[228] *Ibid.*, 92:1151.

[229] *Ibid.*, 94:1004.

[230] Heinze, after his sale in 1906, had bought control of the Mercantile National Bank of New York and had made himself president. He then established a chain of banks, among them the State Savings Bank of Butte. He got into financial and legal difficulties which helped to precipitate the financial panic of 1907. The Clearing House Committee scured indictments against Heinze and his lieutenant, Charles W. Morse, which resulted in the former's acquittal and the latter's serving a term in Atlanta. Heinze recovered a part of his fortune but only a few months before his death, 5 November, 1914, Edwin Gould won a judgment against him for more than a million dollars.

In 1910 Heinze married Mrs. Bernice Golden Henderson by whom a son, F. A. Heinze, Jr., was born 6 December, 1911. A year later Mrs. Heinze sued for divorce and won. Falling ill soon after, she became reconciled to her husband and shortly before she died she asked that the record of her divorce be expunged.

On the divorce and reconciliation see *New York Times*, 3 April, 1913, page 9, column 6. On death of Heinze see *Ibid.*, 5 November, 1914, 11:3; 6 November, 12:5 and 8 November section II, 14:5, III, 3:6.

The Merger of 1910

There had been some talk of a new merger in Butte during the fall of 1909 so that the formal announcement to the stockholders of Anaconda that a meeting would be held on March 23rd to vote on increasing the capital stock from thirty millions to one hundred fifty millions for such a purpose did not come as a surprise.

The announcement, after referring to the costly litigation with Mr. Heinze caused by the extralateral rights conferred by the law of the apex, stated that "the mining claims of the Anaconda Copper Mining Company and of the other companies affected by this plan are all located upon the Butte hill within a comparatively circumscribed area, and are so closely and inextricably interlaced as to make almost impossible the segregation of the ownership of the underground bodies."

A unification of operation would enable the establishment of a general system of ventilation, drainage, and development thus obviating much duplication of surface and underground equipment. The Anaconda, true to its name, was to swallow the other companies.[231] The Amalgamated would only remain as the holding corporation of Anaconda securities. It was planned to make the stock of both these large corporations equal in value; thus, as an editor facetiously pointed out, "the buyer may choose as to the color and beauty of his certificates."

This solution of many legal difficulties was doubtless the work of Cornelius F. Kelley, chief counsel for the Anaconda. Mr. Kelley was a young lawyer whose rapid rise deserves particular mention, in view of the heights later attained. He was a product of the Butte High School in 1892, and a graduate of the University of Michigan. Mr. Kelley began the practice of law in Butte in 1898; was assistant county attorney of Silver Bow County, 1899-1901, and during this time represented the county in the Montana Legislative Assembly. In 1901 he joined the legal staff of the Anaconda Company and seven years later became their general counsel.[232]

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[231] At the meeting of March 23, the stockholders of Anaconda authorized their directors to offer the stock in the company in return for all assets of the vending corporations as follows: Boston and Montana, 1,200,00 shares; Red Metal (Butte Coalition), 500,000; Washoe, 380,000; Butte and Boston, 300,000; Big Blackfoot (lumber), 300,000; Trenton, 120,000; Diamond Coal, 100,000; Parrott, 90,000; Alice Gold and Silver, 30,000; a total of 3,020,000 shares which added to the number of Anaconda then outstanding made a total of 4,220,000 out of the authorized number of 6,000,000. These Anaconda stocks had a par value of twenty-five dollars. Prior to the merger they sold around 50, and immediately after around 40, a figure which remained the average price for more than a year. *Engineering and Mining Journal*, 89:700.

A large majority of the stockholders of the Parrott Silver and Copper Mining Company voted, at a special meeting on 30 April, 1910, to sell out to the Anaconda Copper Company, exchanging all property for 90,000 shares of Anaconda stock.[233] At a special meeting at Salt Lake City on 27 May the owners of the Alice Gold and Silver Mining Company voted to accept 30,000 shares of Anaconda stock for all their property. This company's mines had been operated from 1880 to 1893, and for a short time during 1897 and 1898, but were not in active operation afterwards. The loss for three years and nine months ending 31 December, 1909, had been $21,400. Since 1906 the Butte Coalition Company had owned the majority of this stock.[234]

In addition to the merger of these holdings by transfer of stock, the Anaconda also acquired by cash purchase during the month of May the Original Consolidated Mining Company, largely owned by ex-Senator William Andrews Clark, whose properties consisted of the Original and Stewart shafts, more than a dozen small claims adjacent, and the furnaces of the Butte Reduction Works.[235] The price was said to be about twelve millions.[236]

Asked by reporters regarding his plans for the future, Mr. Clark said, "I shall devote my attention in Butte to developing the great zinc deposits of this district. * * * I am not disposing of my holdings in this state, and, in fact, am increasing them. I shall engage in active prospecting for zinc in other properties I own in Butte * * *." Nevertheless, this sale ended Clark's activities in copper and thereafter he ceased to have any importance in that industry.[237]

On 24 June, 1911, the purchase of Butte Coalition by Anaconda was announced. At the end of December, 1911, it was reported in Butte that the Butte Coalition Company would dissolve and distribute its assets, consisting of 500,000 shares of Anaconda stock and $4,000,000 cash, pro rata among its stockholders. The Amalgamated would take over the stock of the Alice Gold and Silver Mining Company, and the Parrott Silver and Copper Company would dissolve and distribute its property consisting of Anaconda stock and cash.[238]

Flotation Process

One of the important metallurgical developments of this period was the use of the flotation process to separate copper and other minerals from their matrices.[239] The process was developed outside the United States and the plant of the Butte and Superior Copper Company, designed by James M. Hyde in 1912, was the first large plant in America to adopt it.[240] Early in 1914 the Anaconda engineers began experiments with the process hoping to prevent the large waste of metal in the tailings from the concentrators. A standard type Minerals Separation machine was installed at the Washoe Works and proved so satisfactory that the managers decided to use the process regularly. To this end machines were installed and the process of ore handling revised, resulting in a much larger recovery of copper, the Anaconda Company having obtained a license from the owners of the patent for the process.[241]

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[232] *Who's Who in America,* edited by Albert Nelson Marquis, A. N. Marquis Company, Chicago, 1928, Volume 15.

[233] *Ibid,* 89:1032.

[234] *Ibid.,* 89:1080, 1195.

[235] *Ibid.,* 89:1080, 1128.

[236] *Mining and Scientific Press,* San Francisco, 101:23.

[237] *Engineering and Mining Journal,* 90:230. Mr. Clark died in 1924, possessed of an estate of $47,763,508, according to the official appraisal, of which more than sixteen million was Montana property.

[238] *Ibid.,* 92:1291.

The Butte and Superior Company on the other hand, changed the process somewhat and the amount of oil used, refusing to recognize that they were infringing the patents on the process held by the Minerals Separation Company. A series of suits in the Federal courts resulted in an ultimate victory for the defendants.

The Butte and Balaklava Case

The suits between the Anaconda and the Butte and Balaklava Company are chiefly important because their settlement marked the last of the disputes based on the law of the apex in this camp. For some time past the two companies had been arguing as to the true location of the apex of certain veins in the Mountain Chief and Right Bower claims. They had agreed to develop the veins in dispute in order to determine the ownership by discovery of the apex but the Butte and Balaklava people, according to the statement of Mr. C. F. Kelley, broke this agreement by removing ore over the protest of the Anaconda operators.

The Anaconda countered with a suit in August, 1910, for $1,800,000 claiming seven distinct trespasses. A temporary injunction was granted restraining operations in the disputed ground. The defendants issued a statement that the suit was unwarranted by the geological formation and that they believed the purpose of bringing the suit was to create a selling panic among the defendant stockholders with the ultimate design of obtaining control of the company at a nominal cost. Instead of having taken Anaconda ore, they claimed to have been robbed themselves and hoped that "our stockholders will not permit themselves to be stampeded by this transparent subterfuge but that they will stand back of us in our fight to protect their interests."[242]

When the case came to trial in March, 1913, an effort was made to secure a change of venue but, since the case did not involve a jury, Judge Lynch denied this motion. The case was continued until late in the year when the dispute was settled out of court. All charges and claims made by the Anaconda Copper Mining Company were abandoned and the defendants were given undisputed possession of all veins and portions of veins inside a vertical plane dropped from the surface boundary between the property of the contestants. This arrangement suggested a possible abandonment of the old principle of apex ownership in favor of the principle of the vertical plane from surface boundaries.[243]

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[239] For metallurgy of this process see *Transactions of American Institute of Mining Engineers*, 55:486-471.

[240] Robert J. Anderson, *Ibid.*, 55:527.

[241] *Engineering and Mining Journal*, 103:177.

[242] *Ibid.*, 90:406, 473.

Hydro-Electric Development

During the summer of 1910 a large hydro-electric development was completed by the Great Falls Power Company at Rainbow Falls in the Missouri. This company was backed by men interested in the Amalgamated and the power was intended for the Butte mines, the Great Falls smelter, and the City of Great Falls lighting plant. The company secured water rights for a distance of eight miles on both sides of the river downstream from the city limits. In this distance the river had a fall of over 400 feet.

RAINBOW FALLS AT GREAT FALLS

At Rainbow Falls a rock-filled crib dam twenty-nine feet high and 1,146 feet long increased the natural head of the falls so as to make a drop of 105 feet. The water thus impounded was carried by steel pipes to the great turbines which developed 36,000 horsepower. This was over two separate three-phase transmission lines to Butte, 135 miles south, and to Anaconda. With this power the electrification of the railroad between Butte and Anaconda, as well as further electrification of the mines and smelters was made possible.[244]

In December, 1912, the hydro-electric power companies of Montana were merged into the Montana Power Company. Although owned largely by the men behind the Anaconda Company, the Montana Power was not a subsidiary of the mining company. The capitalization was $100,000,000 with three-fourths common stock and the rest preferred.

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[243] *Ibid.*, 95:587; 96:1142.
[244] *Ibid.*, 93:928.

A new hydro-electric plant at Wolf Creek on the Missouri was planned and the dam had been started. Another large dam was under construction at Great Falls. This development of power was to apply not only to the mining and smelting industry but to the operation of the transcontinental railways, that is the Great Northern and the Milwaukee, as well as the local Butte, Anaconda and Pacific. Street railway service in the larger towns, electric lighting service in towns and villages and irrigation pumps throughout Central and Eastern Montana bought this electricity.[245]

A refunding mortgage was issued 5 January, 1914, to retire bonds of the constituent companies and to secure funds for future developments.[246] By that date the company had 1,400 miles of transmission line and was developing 102,000 horsepower, with the expectancy of a large increase as soon as the 430 miles of the Chicago, Milwaukee and Saint Paul were electrified.[247]

The electrification of the Butte, Anaconda and Pacific was begun in 1912 but delayed by a six-months strike for higher pay of the electricians. The first trial trip under electric power was made on 4 June, 1913, from Anaconda to Gregson Springs.[248]

Improvements of 1912

Increased export demand and the rapidly developing electrical and automotive industries combined in 1912 to raise the price of copper. Electrolytic copper which sold for 12.4 cents a pound in June, 1910, and 1911, sold for 17.2 in June, 1912. In July the old wage contract was renewed for three more years, and the miners shared the prosperity of the operators on the sliding scale of wages.[249]

It was sound business policy for the Butte operators to invest their earnings in larger equipment rather than to dissipate them in larger dividends. The Anaconda Company began the reconstruction of parts of the Boston and Montana smelter at Great Falls, planning to spend about two and a half millions upon it. The largest convertor ever made was placed in operation in August, making a considerable saving over the former equipment. This convertor handled fifty tons of matte at a load, and its twenty feet of diameter exceeded the other convertors by eight feet.

At the Mountain View mine electric motors were installed for pumping water and the hoisting power was changed from steam to compressed air. The main shaft was driven downward from the 1,800-foot station to 2,060 feet below the surface. The shaft of the West Colusa was connected with this shaft at the 1,200-foot level, and was lowered from the 1,800 to the 2,000-foot level.[250]

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[245] *Ibid.*, 94:1045.

[246] *Ibid.*, 97:199.

[247] *Ibid.*, 97:449.

[248] *Ibid.*, 95:119, 871, 1263.

[249] This scale paid $3.50 per day when copper sold under fifteen cents; $3.75 when between fifteen and seventeen; and $4.00 when above seventeen. This method made the men partners in the enterprise; in addition, many had bought Amalgamated stock in 1900.

[250] *Ibid.*, 95:119.

The Butte and Superior Company and the Clark interests were both building new concentrating plants for zinc ore. The production of zinc promised to be a very remunerative enterprise owing to the large amounts of ore accessible, if the refractory ores could be reduced.[251]

Mine Disasters

Montana had happily been free from mine disasters involving numbers of men until at the Leonard mine of the Anaconda Copper Mining Company, five men were killed and nine injured when on the morning of 23 April, 1913, the shift was being lowered. The breakage of a rod on the east cage caused it to drop 2,140 feet. The great speed of its reel caused the reel to shatter, and to release the brake on the west reel letting the west cage drop from the 1,400-foot level to the bulkhead at the 2,200-foot level.[252]

Two years later a fire in the Pennsylvania broke out entrapping and killing twenty-one men by the sulphurous fumes. Daniel Harrington, official of the United States Bureau of Mines, after careful inspection laid the fire to carelessness or accidental ignition by a miner's candle. The timbers were very dry and the rush of air from the big fans soon spread the blaze. He complimented the Anaconda management on its fine rescue equipment and organization, saying that the mine was as safe as mines could be made.

On February 17, 1915, the fire broke out afresh and cement bulkheads were poured to prevent its spread. The fire in the Anaconda and Saint Lawrence which had started 23 November, 1889, was still burning and the Colusa and Tramway also had fires of several years standing.[253]

Labor Troubles in Butte

A most serious disturbance among the Butte miners in the summer of 1914 had nothing whatever to do with the relations between employers and their men as is most frequently the case. The trouble was wholly within the ranks of the miners' union, and was a rebellion against the authority of their own officers.

Early in the spring a delegation from the Butte Miners' Union, affiliated with the Western Federation of Miners, had besought the Butte Chamber of Commerce to make an effort to reduce living costs. It was then pointed out that a part of these high costs had come from increases of wages gained by other unionized working men, increases which had been secured with the cooperation of the body which was now complaining.[254]

One of the proposals made by the miners a few weeks later was that the Anaconda Company should build homes and rent them at cost to their miners. But Mr. C. F. Kelley, vice president of the company, replied that the company would furnish land and material for building purposes but it would not complicate itself in any such vexatious problem as the rental of housing.[255]

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[251] *Ibid.*, 95:61. Zinc production was first reported in Montana at 1,415 short tons in 1906. By 1910 the yield was in excess of 15,000 tons, in 1916 it was 114,630 tons, but has since decreased owing to a lessened demand.

[252] *Ibid.*, 95:922.

[253] *Ibid.*, 101:362, 425.

[254] *Ibid.*, 97:687.

Another heavy item of expense was the union dues and assessments. An expensive strike was being conducted at Calumet, Michigan, to which the Butte miners had contributed $150,000 up to the middle of April. In May, the city was stirred by the efforts of the Butte Workingmen's Union to get an increase in the scale from $3.50 to $4 a day. On May 26th a secession from the Western Federation of Miners was announced by a clique, and rumors were rife as to the meaning of this move. Seventeen days later the restlessness came to a head when some miners in the Speculator mine of the North Butte Company refused to exhibit their receipt cards to inspecting union officials. The general manager told the men that the company had a contract with the union and would not assist any secession as long as the union kept its contract. Nine hundred men walked out and the employees at other mines joined them.

That night, June 12, a mass meeting of the secessionists was held and the Independent Industrial Miners' Union was formed. A committee was appointed to demand "open-shop" of the mine managers but these notified the new organization that the old organization alone would be recognized. The next day was a holiday in Butte, and while a parade of miners was marching the secessionists blew up the union building and seized the safe containing the funds of the Butte Miners' Union. Nine days later another mass meeting attempted to form what they called the Butte Mine Workers' Union and elected temporary officers.[256]

One of the principal grievances of the miners was the low wage paid. While plumbers and carpenters were getting $8 and $9 a day, the miners were still receiving the contract price of $3.75, under a sliding scale based on $3.50 a day minimum and increased according to the price of copper, a scale fixed in 1878. The Miners' Union had been unable to get a better price and hence the irritation against its officials.

In an endeavor to bring about peace and to maintain control of the situation by organized labor, President Charles H. Moyer, of the Western Federation, secured the resignation of the old officers of the recognized union and promised a "housecleaning" but when he attempted to hold a mass meeting, he was driven from Butte and the Miners' Union Hall in which the meeting was held was dynamited. Much effort was made to show that the I. W. W. was responsible for the secession and some comment called attention to the fact that Butte was then under the administration of a Socialist mayor.[257]

On the other hand, the rebels averred that the old union had been corrupt, and had been dominated by the company. It was reported that the Anaconda took immediate measures to prevent bloodshed by purchasing all arms and ammunition in Butte and securing a pledge from the dealers not to ship in any more until the trouble was over.[258]

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[255] *Ibid.*, 97:834.

[256] *Ibid.*, 97:1265; 98:35. Cf. J. A. Fitch, "Union Paradise at Close Range," *Survey*, 32:538, August 29, 1914.

[257] *Ibid.*, 98:36.

On the 6th of August a commission on industrial relations was sent by the Federal Government to Butte to investigate. The personnel was Prof. John R. Commons, of Wisconsin University, Austin B. Garretson, president of the Order of Railroad Conductors, and John B. Lennon, treasurer of the American Federation of Labor. Before this commission, Mr. C. F. Kelley, vice president and managing director, stated that the company had never attempted to dominate the union in its internal affairs. He mentioned the high wages the Butte miners were getting in comparison with the Mexican peon who received from 50 to 75 centavos a day and the low paid Peruvian, Spanish and Japanese miners who produced copper which was sold in competition with the Butte product.[259] A portion of Mr. Kelley's testimony throws some light on a much-disputed question. "If the grog shops upon this hill were shut up, the accident record would be closed. The man who comes up to the collar of the shaft with a half dozen drinks under his belt and goes underground is the one who, many times, falls into the chute, loses his hold upon a lever or misses a loose piece of ground over his head."

A large fire of unknown origin did $50,000 worth of damage at Mountain View shaft on August 20. This would not have been significant if a later catastrophe had not occurred. On August 26 intimidation of miners began in order to compel them to join the new union, and three days later its president declared in a open air meeting, that the union would not submit to the arrest of its officers or members on account of their forcing miners into the union and deporting those who refused to join.

Early Sunday morning, August 30, a bomb destroyed the employment office of the Anaconda Company. This building was the place where the hated "rustling card" system was enforced. A system of identification cards had been installed in 1912 for the purpose of keeping track of disturbers. The Miners' Union had voted against it, but since less than half the men took the pains to vote at all the officials refused to make an issue of it.[260] Men without these cards could not obtain work; when men were employed their cards were filed and if a man proved to be unsatisfactory in any way his card might not be returned to him.

The mayor of Butte and the sheriff of Silver Bow County declared they were powerless to preserve public order and requested Governor Stewart to send aid. He mobilized the Second Regiment of the National Guard at Helena and declared martial law in force at Butte on September 1st.

A week later, thirteen Butte mining companies declared formally that thereafter they would operate only on the open-shop principle,[261] and on October 2nd, matters had improved so that about half the military force could be sent home.[262]

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[258] *Ibid.*, 98:87.

[259] *Ibid.*, 98:368.

[260] *Ibid.*, 98:446, 456, 502.

[261] *Ibid.*, 98:499.

[262] A marauding band of I. W. Ws. were said to be headed for Butte to

Unfortunately, a decision of the Supreme Court greatly weakened the military authority. On 8 October, 1914, in a habeas corpus test case, it decided that "while the governor is authorized to detail the militia to suppress insurrection, neither the governor nor the guard can lawfully punish for insurrection or violation of the law. The civil courts cannot be ousted by the agencies detailed to aid them, nor can their functions be transferred to tribunals unknown to the constitution." This denial of the authority of the military powers to try civilians lessened its control over the turbulent city during the remainder of the occupation which did not abate until November 12. In the interval, the mining companies had fenced their property securely and installed a burglar-alarm system to announce trespassers.

The North Butte Mining Company

The Speculator mine, owned by the Largey estate, had not been a strong producer for some time prior to its sale in February, 1905. But after its transfer to the North Butte Company, a company which had been formed by Thomas F. Cole of Duluth, and James Hoatson of Calumet, its output increased so rapidly that in a few years it was one of the important mines of the camp.[263] The sale included the Jesse and Edith May, at a total price of five millions, properties which lay several thousand yards to the north of the disputed area.

The output of this company had increased in five years so that in 1910 it was able to pay nearly a half million dollars in dividends, with nearly a million tons of ore in reserve.[264] In 1916 the company was, next to Anaconda, the largest producer in the district, employing 1,160 men and raising 560,947 tons of ore at a profit of two and a half millions.[265]

The rapid rise of this company, the absence of litigation, and the large profits it paid, 200 per cent of its capital in ten years, cause it to deserve special mention. But this phenomenal success ceased in October, 1918, when the company paid its last dividend (up to this writing, 3 January, 1929).

Workmen's Compensation Act.

After the passage of the eight-hour law, Montana had little important legislation affecting the copper industry until the passage of the Workmen's Compensation Act of 1915. In 1907 a statute had been passed forbidding superintendents, foremen, and shift bosses from accepting presents in consideration of employing certain individuals.[266] The next session of the Legislature passed two acts regulating the sampling and assaying of ores;[267] and a more

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defend the rights of those "Who have been subjugated in that city by the state militia." Depredations by this army, numbering some 3,000 men, were committed in the towns and villages along the Great Northern. Threshing crews were robbed, bridges were burned, and several persons were killed. *Ibid.*, 98:719.

[263] *Ibid.*, 79:784, 966.

[264] *Ibid.*, 91:893.

[265] *Bulletin 188*, Bureau of Mines, 7.

[266] *1907 Montana Session Laws*, Chapter 52.

[267] *1909 Montana Session Laws*, Chapters 54 and 115.

important act placing foreign corporations under the jurisdiction of the state and permitting them to sue and be sued in Montana courts.[268]

The Legislature of 1911 stipulated that ore buyers must pay for ore within twenty days of its delivery, a measure intended to assist small producers in marketing their product;[269] and passed a Mines Sanitation law requiring that toilet cars must be provided and kept disinfected, and that underground stables must be cleaned and manure taken to the surface daily.[270]

Unlike the foregoing, the Workmen's Compensation Law was a radical departure from the old ways, establishing a new principle which absolved the employee from the old doctrine that he assumed the normal risks of the industry by which he was employed.[271] The ancient principle that the responsibility of a fellow servant for accident relieved the employer was likewise discarded. The law permitted the employer to elect which one of the three different plans of insurance he would operate under. The first of these plans permitted those financially responsible to carry their own risks and to make payment directly to any injured employees. The second plan permitted the employer to buy commercial insurance; the third plan provided that a state board would receive insurance premiums from employers amounting to two and one-half per cent of their payroll and apply these receipts to the payment of claims for injuries. The maximum compensation for complete disability or death was fixed at payment for four hundred weeks of an amount equal to one-half the wages earned prior to the accident, with the provision that this should not exceed a total of four thousand dollars.

Copper and the European War

It is somewhat surprising that the price of copper failed to indicate the approach of war. If, as has been charged, Germany had been preparing for a large-scale war, the price of copper did not show any unusual demand. In January, 1912, copper sold at fourteen cents and the price rose steadily until December when it stood at seventeen. It dropped during 1913 so that the price in December was two cents less than the preceding January, or fourteen cents, the same as it had been two years before. And, strangely enough, the price of copper fell during the spring and early summer of 1914 until it stood at thirteen cents in July.

Export figures did not indicate any flurry, although both Germany and England increased their purchases.[272] This increase was probably due to commercial rather than military needs.

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[268] *Ibid.*, Chapter 109.

[269] *1911 Montana Session Laws*, Chapter 37.

[270] *Ibid*, Chapter 72.

[271] *1915 Montana Session Laws*, Chapter 96.

[272] Disregarding the shipment of copper in ore, matte, and regulus, and considering only refined metal, the export figures (in million pounds) were:

Exported to:	In 1911	1912	1913
United Kingdom	108	95	133
Germany	190	252	307
France	135	131	160

American copper producers had congratulated themselves that they had a world market for their metal. Their exports in 1913 had been 57 per cent of their production.[273] When the war dislocated the export business there was nothing to be done except shut down temporarily at least, for there was not money enough in the country to finance production with half the product remaining unsold.

The declaration of war upon Serbia was made by Austria Hungary, 28 July, 1914, and on August 1 the Anaconda Company ordered the Great Falls plants and seven of the Butte mines closed. The mines chosen were those in which the cost of production was highest. This threw 700 men in Great Falls, and 2,000 miners in Butte, out of employment. The reduction in amount of ore mined was estimated at 3,000 tons daily. The Washoe smelter was kept open and the smaller Butte companies did not close. "News of the shutdown was received with tranquility in Butte," wrote a correspondent. "It is generally believed that trouble in Europe could not last many weeks because of tremendous cost of war between nations involved."[274]

While this optimism proved to be unjustified by events, the totals for the year were not as low as might well have been expected. The total exports shrunk only 86,000,000 pounds, or 9.2 per cent. While German exports fell off 130,000,000 pounds and Netherlands decreased 53,000,000 pounds, the United Kingdom increased its purchases by 65,000,000 pounds.[275] A serious phase of this condition was the decrease in price which aggravated the loss of business as measured by quantity. Copper sold at 14.67 in February, dropped to 13.49 in July and continued to fall until the low monthly average for the year was reached in October, at 11.40. The year average was 2.2 cents lower than 1913 and 3.1 cents less than 1912.[276]

Early in 1915 it became apparent that the demands of munition manufacturers both at home and abroad would require an increased production of copper. Copper was an essential metal for war. Every rifle cartridge case had a half ounce of pure copper, every machine gun bullet had a copper and zinc casing, every shell had a copper band to prevent contact between the shell and the gun barrel, every fuse contained copper. Early in the war the German Government began to coax copper from domestic uses into war material and in January, 1916, the surrender of all articles containing copper was made compulsory. The Cathedral at Bremen was stripped of its copper roof, church bells were melted, and private householders gave up their copper sauce pans, kettles, door-knobs, ash trays, chandeliers, and other copper articles and a cynical writer remarked that a vast service to art and humanity had been rendered

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Austria Hungary	44	38	34
Netherlands	230	152	179

Figures from *Mineral Resources 1912, 1913, 1914.*

[273] Production, 1,615 million pounds, export 926 millions. *Mineral Resources 1913*, 578.

[274] *Engineering and Mining Journal*, 98:326.

[275] *Mineral Resources 1914*, Part I, 594.

[276] *Ibid.*, 596.

by melting down many of the public statues in bronze and copper.[277] The construction of new shipping also required large amounts of copper for propeller blades and other castings, sheet metal work and other purposes. A 10,000 ton freighter required upwards of 100,000 pounds of the red metal in its alloys, and a battleship used 1,500,000 to 2,000,000 pounds of brass and copper.[278]

The price of copper showed this increase in demand. It sold at 12 cents in November, 1914, when trading in copper reopened after three months of stagnation and rose steadily to 19.5 in June. Then a slight fall was checked in August and by December the average price for the month was 20.133, with an average for the year 1915 of 17.275. In the early part of May 1916, spot copper was for sale at 33 cents and the average price for the month was 28.6. The market was very irregular during that summer, in fact, brass makers bought copper on account for their customers and charged a toll for making it into brass or sheet copper, thus throwing the uncertainties of price on their customers.

On September 23 it was announced that the French and British governments had bought 200,000 long tons of copper for delivery early in 1917. Towards the end of October buying became more brisk and this advanced the market price, but in November the market turned dull and when Germany made her peace proposal on December 12 another reason was added for pessimism in coppers.[279]

Under such conditions, production increased rapidly. The lull in 1914 forced that year's production below that of the previous year, but 1915 saw the highest production ever reached in the United States, 1,388,009,527 pounds. In 1916 the production set a new high record of nearly 2,000,000,000 pounds. Montana, however, did not make a record until 1916, when it exceeded the previous high mark (1909) by 37,000,000 pounds.[280]

Dissolution of Amalgamated

In many respects the year 1915 was a landmark for the Anaconda-Amalgamated corporations, first, on account of the dissolution of Amalgamated; second, owing to the many mechanical and metallurgical improvements.

The Amalgamated had never been other than a holding corporation; it had never mined a ton of ore or refined a pound of copper. All the physical activities had been carried on by the subsidiaries. Five years earlier, that is, in 1910, the stocks held by Amalgamated covering the working companies had been transferred to Anaconda in exchange for Anaconda stock, leaving less reason than before for the continuance of the Amalgamated.

Henry H. Rogers, who had been chiefly instrumental in its organization, had been its president until his death in 1909, then John D. Ryan became its leader. Upon the dissolution of the Amalgamated in the spring of 1915, Ryan became president of the Anaconda and B. B. Thayer, its former president, became vice president. C. F. Kelley kept his position as vice president and managing director.[281]

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[277] Sydney Brooks, "The Coming Copper Famine," *North American Review*, 207:522-532.

[278] *Engineering and Mining Journal*, 101:574.

[279] *Engineering and Mining Journal*, 103:10-11.

[280] *Mineral Resources 1916*, Part I,, 636.

The dissolution was effected by giving each shareholder of Amalgamated two shares of Anaconda and three dollars in cash for each share of Amalgamated held. The par value of Anaconda had just been increased to fifty dollars by cutting the number of shares in half. The $25 par shares had sold at 26 in January, 1915, and at 28 in March; after the transaction was completed, the $50 Anaconda shares sold at 66 in July. If this had been the ultimate price, Amalgamated holders who had paid 100 or more for their stocks might well have felt aggrieved, but the Anaconda stock began to climb steadily and on November 16 reached 91.[282]

The other reason for considering 1915 a notable year, improvement in plants, is not so easily and quickly stated. By changing the concentrator so as to use the flotation process for the finer minerals the capacity was increased from 12,000 to 15,000 tons daily. The recovery of copper in the concentrates was increased from 82 to 96 per cent. A new plant for the treatment of slimes had a daily capacity of 4,000 tons and by this method some 900,000 pounds of copper which had formerly been thrown away was being salvaged each month.

The coarse tailings also had carried away as waste about eleven pounds of copper per ton and to rescue this a 2,000 ton leaching plant was put into operation in May, 1915. The accumulated tailings at Washoe amounted approximately to 20,000,000 tons. After being roasted the calcines were run into an acid solution and then the copper and silver content was precipitated with scrap iron. This plant extracted about 80 per cent of copper and 60 per cent silver in the tailings.[283]

The additional concentrates necessitated more roasters so twenty-eight 25-foot ovens were built. Five new converters increased the convertor capacity 25 per cent and reduced the operating cost a dollar per ton. It was expected that this increase in concentrators at Washoe would permit the closing of the Great Falls plant and then, by shipping concentrates instead of crude ore, the freight cost would be reduced.

A study of the distribution of the Company's products led to the building of a modern electrolytic refinery at Great Falls, capable of handling 180,000,000 pounds annually. Prior to this time much of Montana's crude copper had gone to New Jersey for its final process, but this would put an end to the shipment of crude copper.[284]

The large zinc content of some of the ores mined by Anaconda had led to the building of a huge electrolytic zinc plant at Great

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[281] *Engineering and Mining Journel,* 99:1053.

[282] A scholarly and adequate financial history of the Amalgamated Company was published by Professor F. Ernest Richter in *Quarterly Journal of Economics,* 30:386-407.

[283] Frederick Laist, metallurgical manager at the Washoe plant, and Harold W. Aldrich, superintendent of the Leaching plant, presented a paper descriptive of this plant and process to the American Institute of Mining Engineers on their Arizona tour, September, 1916. *Transactions American Institute of Mining Engineers,* 55:866.

[284] *Engineering and Mining Journal,* 101:361.

Falls, capable of making 70,000,000 pounds of zinc per year. The concentrated ores were shipped from Anaconda to Great Falls where they were roasted into calcines containing zinc, copper, lead, silver, and gold. These were separated by specific gravity in leachings and the lighter zinc bearing solution run into electrolytic tanks where zinc was deposited in large sheets on aluminum-copper cathodes. The plant at capacity used 33,000 horsepower of electricity.[285]

The report to the 20,000 stockholders of Anaconda covering operations to January, 1917, was of immediate interest to them because it showed a book value of $73 for stock of $50 par value, as compared with a market price of $84.[286]

The condition of the copper industry in Montana was now vastly different from its situation in the days when the raw ore was sent out of the territory in wagon loads bound for Corinne, Utah, 400 miles away. Now the Anaconda Company at Anaconda owned a copper concentrator, a zinc concentrator, a leaching plant, and a sulphuric acid plant; at Great Falls it had a smelter, a refinery and a big zinc works; at Tooele, Utah, and at Miami, Arizona, it owned great smelters; at East Chicago it owned a lead refinery and at Perth Amboy, New Jersey, a copper refinery. These metallurgical plants were valued at $47,000,000, of which approximately $33,000,000 were taxable in Montana. Its mines, water rights and real estate were valued at $75,000,000; its timber lands at $5,000,000; and its investments in other companies at $19,000,000. The value of its metal on hand and in process was placed at $37,000,000.[287]

War-Time Disturbances in Butte

The declaration of war by the United States against Germany brought a peculiar restlessness and suspicion into the big mining camps. Talk of German spies had set every one to watching his neighbor; the uncertainty regarding military service; the disturbed prices of important commodities and labor—all created an abnormal mental attitude which was deliberately fostered by the government in order to create a war spirit.

A troop of United States soldiers appeared in Butte on April 13 without previous announcement, and were assigned to guard important tunnels and bridges of the railroads entering Butte and the mine shafts and power houses. A large powder plant of the Du Pont Company situated between Butte and Anaconda also caused some anxiety.

To make matters worse, a fire was discovered in the 1,000-foot level of the Modoc.[288] The smoke filled adjacent workings owing to heavy down draft of the big fans, throwing many men out of work for several days, and it was some time before the fire was quenched. Those who were in a position to know said the fire was probably caused by a slide of earth breaking an electric power cable, but many excitable persons would accept no other explanation than this —German spies were seeking to interrupt a basic industry.[289]

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[285] *Ibid.*, 102:587.

[286] *June 12 New York Exchange.*

[287] Among its subsidiaries recently acquired was the Andes Copper Company. This property was located at Potrerillos, Chile, ten thousand feet above sea level. Here immense quantities of low grade ore gave promise of future prosperity for the company. *Engineering and Mining Journal*, 103:1049, 1282.

[288] *Engineering and Mining Journal*, 103:810.

The heavy demand for labor made the time opportune for all kinds of strikes, and the general excitability of the American population abetted this condition. Adding to all these disquieting circumstances the most terrible mine accident Butte had known occurred three days after the general draft registration for army service.

An assistant foreman in the Granite Mountain shaft of the North Butte Mining Company accidentally set fire to the insulation of an electric cable. The blaze spread to the timbering of the shaft and soon this chimney with an inflammable lining was roaring destruction. The sulphureous ores were soon ignited, releasing poisonous gases. The shaft was 3,470 feet deep, with an artificially created down draft, connected by seven galleries with the Speculator shaft 800 feet to the south. This shaft discharged the air upwards which entered through the Granite Mountain. Thus conditions were nearly perfect for filling these mines with gases. In addition to the Speculator, this shaft was connected with various others and by the time the fire had been burning a half hour a sinister plume over the Specutator shaft warned of disaster.

There was no method of sounding a general alarm and foremen ran great personal risks in order to warn men in various parts of the mine to get out or, where this was not possible, raise bulkheads against the gas. The fire had started at 11:30 P. M. and by 1 A. M. rescue parties were at work dragging out asphyxiated men. At 1:15 J. L. Boardman, head of the Anaconda Company's rescue teams, arrived and called for all rescue men and equipment in the district. Federal rescuers in the Bureau of Mines organization were working within eighteen hours.

At the time of the disaster 410 men were underground, of whom 247 escaped. Many of the 163 corpses were removed by men wearing oxygen helmets while the fire still raged, but several bodies were not recovered until after June 16. Twenty-five men escaped alive after thirty-six hours' imprisonment. These owed their lives to Manus Duggan, a "nipper" or errand boy, who was well acquainted with the mine.. Duggan instructed the twenty-eight men who were with him how and where to build a bulkhead to shut out the gas. At the end of the first day's imprisonment neither match nor carbide lamp would burn owing to the exhaustion of the oxygen, then the water supply became exhausted and after thirty-six hours a break for liberty was made. Duggan and three others took the wrong passageway and perished, the others escaped. From a similar chamber built 200 feet above this one, six men were taken out unconscious and two men dead after a fifty-five hour imprisonment.

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[289] Our younger readers may not know that in 1917 and 1918 all sorts of malign deeds were attributed to Germans. A "Council of Defense" took the precaution to forbid the teaching of the German language in Montana. In those days "German" was the synonym for all evil just as "Bolshevism" was the anathema three years later. Instead of eating sauerkraut the hundred percent patriot ate "liberty cabbage" and hamburger steak was known as Salisbury steak.

On the 2,600 foot level, nineteen men were found dead behind an emergency bulkhead which failed to exclude the gas.[290]

Three days after the big fire, labor leaders in Butte circulated a call for a walkout and the organization of an effective miners' union. Although no one could raise any valid accusation against mine operators or public officials, the hysteria of the moment demanded some means of expression. As if these had been responsible, the strikers demanded the dismissal of the state mines inspector and a rigid enforcement of the mining law.

The "rustling card" system had been for several years a real irritation to the miners for it had kept men docile and unorganized —a labor organizer could not get a foothold, for without a card he could not enter the mines to talk with the men as they worked. The abolition of this was one of their chief demands.[291]

Many violent speeches were made but not all were made by the strikers and their sympathizers. In spite of the great need which the government had for the copper at this time and not withstanding the harm that would be done to the whole nation in case the difficulty should not be settled quickly, William Andrews Clark declared that "Speaking for the Clark mines, I would rather close them down, flood them and never take another pound of ore out of them than recognize the anarchistic element in control of the so-called new miners' union." The Anaconda Company, on the other hand, soon showed a disposition to adjust matters by increasing the wages.

There was so much talk about the strike having been caused by German sympathizers that, on July 3, a mass meeting of the strikers petitioned the Federal Government to take control and management of the mines that the miners might "give prompt and practical evidence of their patriotism at this critical juncture."[292] In response to this, Mr. W. H. Rogers, of the United States Bureau of Labor, was sent to Butte, but he proved useless as a mediator.

The wage scale was another matter in dispute. The strikers wanted $6 a day for underground work as well as the total abolition of the card system. On July 25 the employers put into effect a new scale, to be effective from July 1 for those then at work, The base was to be $4 when copper was at 15 to 17 cents; after that point for every 2 cents increase in the price, the wage was to be advanced 25 cents. Since the current price on July 25 was 25 cents for copper the wage was then $5.25 a day. The employers offered to amend but not abate the "rustling card" system.[293]

On the morning of August 2, Frank H. Little, an I. W. W. organizer, was taken from his hotel room, put in an automobile, conveyed to a railroad trestle outside the city and hanged by six masked men.

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[290] A complete account of this disaster is found in *Bulletin 188, Bureau of Mines.* "Lessons from the Granite Mountain Shaft Fire, Butte," by Daniel Harrington, who was present at the fire.

[291] Charles Merz, "The Issue in Butte," *New Republic,* 12:215-217, September 22, 1917.

[292] *Ibid.,* 12:217.

[293] *Engineering and Mining Journal,* 104:185.

Although Governor Stewart and other public men received threatening letters, no attempt was made to punish the perpetrators of this crime. Public sentiment probably would have made conviction impossible even if officials had made the arrests. Little had given offense by his reference to soldiers as "Uncle Sam's scabs in uniform" during the speech he made on July 18.

Miss Jeanette Rankin, member of Congress from Montana, stopped in Butte on August 14 and made a speech to the strikers in which she expressed an opinion favorable to the abolition of the rustling-card, but urged the miners to make peace with their employers because the Government needed the copper.[294] She caused further uneasiness by saying that if the companies could not operate the mines, the Federal Government would.

The strike assumed further serious mien when the Washoe smelter men did not report for work on August 24. This necessitated the complete closure of the mines in Butte which had been operating on a 50 per cent payroll, for, with the smelter closed, there would be no way to store the thousands of tons of ore being raised daily. Two thousand men were laid off at the Great Falls smeltery for the same reason. The Butte and Superior Company, the Elm Orlu, the East Butte and some other small concerns were operating as usual.[295]

About two weeks later the smelter men went back to work on the terms offered by the Company, and the mines were reopened with about half the usual number of miners. Many miners had left Butte during the trouble; others refused to work for less than $6 a day and remained idle.[296]

Price-Fixing

The high fluctuating prices received for copper and the action of the Federal Government in fixing the price of steel led the copper industry to expect a similar discipline. Fifteen cents a pound had been considered an average price for copper, even after Europe went to war. The average for 1915 had been 17.3 but in the year following monthly averages had varied between 23.8 and 31.8. In October the Allies bought 50,000,000 pounds of copper at 25. This large purchase helped to raise the market, but the highest monthly average was 31.89 in December, 1916. Thereafter the average slowly declined, with slight increases in February, May and June, to 25.38 in August.

On September 21 the morning papers announced that the War Industries Board, by authority of President Wilson, had fixed the price of the red metal at 23.50 for a period of four months. There was no agreement to buy all the copper offered on the part of the government, and no arrangement as to priority in the industries using copper. But the producers were required to maintain production at the maximum and not to reduce wages.[297]

A mouthpiece of the industriy, the *Engineering and Mining*

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[294] *Mining and Scientific Press,* 115:305-8.

[295] *Engineering and Mining Journal* 104:449.

[296] *Ibid.,* 104:577.

[297] Lewis Kennedy Morse, "Price-fixing of Copper," *Quarterly Journal of Economics,* 33:71-106. November 1918.

Journal, complained that the act of price fixing was "as if a giant had suddenly deposited snags in a smoothly running river. The attitude of Washington * * * appears to be that the experts in the several industries are wrong, even if they are not swayed by selfish and unpatriotic motives, and that the only way that it can be satisfied that water cannot be made to run uphill is to try to make it do so. The attitude of the copper producers is that they do not believe it can be done but they are going to try loyally to help Washington in what Washington wants. No difference of opinion, no injury in the way of working unitedly for the country."

The price fixed in September, 1917, was maintained until July 2 following when it was increased to 26 cents a pound. The armistice in November necessitated a new understanding which was forthcoming on the 15th. An agreement between the producers and the War Industries Board stipulated the maintenance (1) of the present rate of production, (2) of the present wages, (3) of the present prices.

On December 20, the board announced its pending dissolution, to be effective New Year's Day, and with that dissolution the abolition of the price agreement. The announcement expressed the government's appreciation of the patriotic spirit of the copper producers and of their uniform courtesy.

The consumers of copper were apparently well stocked when the war closed, for there was no demand whatever for copper during the first three months after the armistice. Late in December a Copper Export Association was formed for the purpose of handling all the export business, thus facing foreign buyers with a single price. Allotments of orders were to be distributed proportionately to the production of the selling companies. A peculiarity of the association was that the voting power was distributed on the basis of the tonnage allotted for export—a vote for each 500 tons.[298]

Mine production was immediately cut in Montana as in other copper producing areas and continued low during the ensuing year. Montana had produced 323,000,000 pounds of copper in 1918, but the year following only 170,000,000. The condition of the towns in Montana whose prosperity was wholly dependent on this industry, Anaconda, Butte, and Great Falls may be judged from the fact the value of Montana's metal production was cut exactly in half.[299]

In Butte the Anaconda and Never Sweat were forced to close on December 11 "by gas from an old fire;" the Original and Leonard closed on January 2 "for repairs;" Pennsylvania shut down on the 10th of the month without apology. During the weary months of readjustment, the Anaconda Company, Montana's largest employer of labor, humanely followed this preference plan in employing first, married men and single men with dependents; second, demobilized soldiers and sailors who were in its employment at the time of enlistment; third, demobilized soldiers and sailors who had not been Anaconda employees. Single men without dependents who had not served the government were discharged to make room for the above mentioned preferences. This company also threw open its great hostelry, the Florence Hotel, capable of housing a thousand miners, to all returning soldiers and sailors, giving them board and lodging without charge until they could find work.[300]

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[298] *Ibid.,* 106:1092.

[299] *Mineral Resources 1919,* Part I, 497.

On 6 February, 1919, the Anaconda Company, which had not sold a pound of copper for two months, announced a reduction in wages of a dollar a day in the Great Falls and Anaconda smelteries. The I. W. W. immediately ordered a strike in the Butte district and picketed the mines. Entrances to the mines were guarded by Federal troops and special deputies. Butte was quickly put under martial control and the strike broke completely on the 17th.[301]

The copper producers on February 6 brought their goods into the New York market for sale at the best price offered which proved to be 18 cents. Reports from France were that that nation had a 100,000 ton stock of virgin copper, reports which helped to keep prices low by destroying hopes of a good export market. The average price of copper for the month proved to be 16.763. During the year the demand slowly advanced the price, with some retrogressions, until the yearly average stood at 18.691.

The enormous stock of copper in the hands of the government caused some uneasiness in the market. This condition was improved by the promise that, beginning April 1, the copper would be sold in monthly installments of 5,000,000 pounds for a period of ten months, then 10,000,000 pounds for five months more. If the market should prove active, the United Metal Selling Company, representing the producers, would take a larger amount. The prices were to be at the current price as published in the *Engineering and Mining Journal*.[302]

Post War Stagnation

The "boom days" of Montana copper apparently ended with the armistice of 11 November, 1918, and this ill-fortune she shared with her sister states who produced copper. "The year 1921," said Walter H. Weed, "was the worst that the copper industry has ever had or probably ever will have." On 1 January, 1919, the available world stock of copper was 2,250,000,000 pounds and no market therefor. In order to help pay maintenance expenses and keep miners in the industry, copper producers all over the world kept their plants running at partial capacity and thus accumulated more copper. This condition continued until the spring of 1921, when practically all American producers closed their works entirely, Anaconda with the rest. Its operating loss in 1921 had run over $3,000,000.[303]

The depression was ultimately visible in the price of Anaconda stock—66 on 6 April, 1920, 30 on December 21, a year later at par then two years without dividends, and a price of 36 on 29 December, 1923, tell their story without any necessity for extended comment.

The reason was not far to seek. The price of the metal, which sold at a fixed price of 26 in November, 1918, thought by many to be too low, dropped to an average of 12.9 in 1921. This price fixing represented one of the sacrifices of the men, women, and children who owned stock in coppers. Without governmental interference the war prices would have compensated for the losses of the reconstruction period but the holders of copper stocks were forced to sell at cost during much of the time, then to undergo a long period of deflation. The average price for the period 1905 to 1924 was 17.7; the price in 1924 was 13.1 cents a pound.[304]

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[300] *Engineering and Mining Journal*, 107:170, 211, 291.

[301] *Ibid.*, 107:337, 380.

[302] *Ibid.*, 107:595.

[303] G. A. Roush and Allison Butts (editors): *The Mineral Industry During 1921.*

Montana had once ranked first among the States of the Union in copper production; in 1910 the rapid increase in Arizona copper mining gave that territory first place; in 1924 Utah, producing 15.7 per cent of the union's entire production, crowded to second place, leaving Montana third.

In order to finance the copper industry through the hard times of 1921 the Copper Export Association on February 10 tried a new plan similar to the method of wheat marketing. The Export Association offered $40,000,000 worth of 8 per cent gold notes secured by 400,000,000 pounds of copper for public sale. The notes were further secured as to principal and interest by seventeen producers in varying proportions; the Anaconda Company, for example, took 12.26 per cent of the obligation, the most taken by any one concern, while the Calumet and Hecla took 6 per cent. The copper might be withdrawn from the pool at 12.5 cents per pound but this money went to the trustee, the Guaranty Trust Company, of New York.[305] The high interest rate was probably due to the novelty of the plan, for business conditions did not warrant so high an interest. In October, 1920, Anaconda had floated a bond issue of $25,000,000 at 7 per cent,[306] but at a price to yield 7⅝ per cent, and this was high in comparison with other borrowings.

In December, 1921, Anaconda took over the American Brass Company, which had been one of its large customers, by exchanging for each share of American Brass three shares of Anaconda and $150 in cash, making the value of American Brass approximately $300 a share. The purchaser was the largest producer of copper in the world and the vendor was the largest manufacturer of brass.[307]

A letter to the Anaconda stockholders pointed out the possibility of reducing the stock carried on hand by the Brass Concern and mentioned that the consumption of copper by this company in making brass was just about equal to the normal production of the Anaconda. The purchasing company could furnish both copper and zinc, and by owning the big brass mill could sell directly to the ultimate consumer—all these operating to increase the profits and stabilize the business in a very desirable fashion.

The principal demand for copper at this time came from the manufacturers of electrical supplies of various kinds. But automobiles needed nearly 100,000,000 pounds annually; telephones and telegraph instruments took as much; shipbuilding demanded 62,000,000 pounds; building hardware, copper shingles, eavestroughs, and similar demands amounted to 50,000,000 pounds; and even the common pins consumed 2,000,000 pounds.

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[304] *Mineral Resources 1924*, I 418.

[305] *New York Times*, 10 February, 1924, 18:2 and advertisement 11 February, page 17.

[306] *Ibid.*, 14 October, 1920, page 19.

[307] *Ibid.*, 16 December, 1921, 19:4, and 24 December, 13:8.

Purchase of the Chile Copper

For many years it had been known in Europe and America that vast deposits of low-grade copper ore were to be found in the Desert of Atacama, in northern Chile. In 1903, a mining correspondent had written to London that: "In Chile, there were good copper mines but the cream is now gone. There are still intact the great deposits of the Atacama desert. From these the copper could be reached by water—the simplest ore treatment on record, but, as there is no water within a hundred miles, and as it has not rained here for a matter of a few thousand years, nothing can be done with them."[308]

This gentleman was needlessly pessimistic for only twelve years later at Chuquicamata the Chile Exploration Company, after three years of drilling and preliminary work, started a plant on a commercial scale of production which could handle 10,000 tons daily. Here enormous leaching vats dissolved the low-grade ore (about 1.9 per cent) in sulfuric acid; then the copper was recovered by electrolysis. The peculiarly friable nature of this ore rendered it exceedingly easy to handle by this method. No deep shafts were necessary; steam shovels dug large pits and handling charges were very small as compared with Butte ores. The water which the correspondent said was lacking was brought in three pipe lines from the Andes on the Bolivian border.[309]

On January 10, 1923, it was reported that certain bankers were arranging a merger of the Anaconda with the Chile Copper Company. A few days later, the National City Bank and the Guaranty Trust Company financed an issue for the Anaconda for the purpose of obtaining funds to absorb the Chile Company. On February 26 the stockholders of Anaconda approved a stock increase to complete the merger and the Metal Sales Corporation was organized to handle the marketing of the product.[310] This stock increase to 6,000,000 shares gave Anaconda a capitalization of $360,000,000, while its book assets, as of 31 December, 1922, amounted to $343,892,781.98.[311]

The actual price of the Chile stock purchased, plus the amount of its bonds redeemed, was said to have been $77,000,000. In commenting upon this purchase the *Wall Street Journal* remarked that the Chile mines, if operated to their full capacity of 225,000,000 pounds a year, would last for 125 years, and called attention to the fact that the average cost of production in Montana mines was 15 cents a pound, but in the Chile mines only 7 cents.[312]

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[308] *Economist* (London), 30 May, 1903; 61:959.

[309] Chile Copper Company was organized 16 April, 1913, with Guggenheim capital in Delaware to hold the entire stock of Chile Exploration Company of New Jersey. See *Poor's Industrial Section*, 1928; Poor's Publishing Company, New York City, page 2052. See also *National Geographic Magazine*, 55:245.

[310] *New York Times*, January 10, 16, February 27, March 1, 1923.

[311] *Engineering and Mining Journal*, 115:999.

In commenting upon the purchase, Mr. John D. Ryan, then chairman of the Board of Directors of Anaconda, claimed for his company not only the greatest capacity in production of copper but also the first place as a manufacturer of finished copper and brass products. Its electrolytic plant at Great Falls, he said, produced the largest quantity of zinc of any plant in the world, and the silver content of its ores made it one of the largest silver producers. It also produced large quantities of gold, lead, white lead, coal, lumber, arsenic, sulphuric acid, and, later, a superphosphate for fertilizer. Anaconda was the only integrated organization in the non-ferrous metal industry which carried through its own plants every step of production and manufacture, from the ore in its mines to the finished products of copper and brass. "In buying the stock of the Chile Company," said Mr. Ryan, "we believe that we have assured for the Anaconda Company the largest and cheapest supply of raw material available for manufacture on the Atlantic seaboard and for export."[313]

Relative Standing of Montana Coppers, 1925

The absorptive qualities of Anaconda, whereby in a series of moves this corporation, first organized in 1895, acquired most of the productive copper mines of Butte has been described above. In 1924, the Davis-Daly Company was taken in for three million dollars, after a long and weary struggle on its part to make a living. The purchase price represented about a third of the capitalized value.

This purchase left the Butte and Superior, a corporation organized in 1906, as the next largest company operating in Butte, followed by the East Butte, with the North Butte Mining Company as a poor third. During 1924 the East Butte operated at a loss of more than 2 cents a pound on the 7,000,000 pounds of copper produced.[314]

Butte had become practically a one-company camp. If there were those who thought they could mine copper at a profit there were plenty of claims to be purchased at low figures. The Anaconda had swallowed only the profitable ones. It had no monopoly; only that advantage which comes of ability to hire the best engineers for the direction of its enterprises and the benefit of having a large aggregation of capital to handle metals in process and to tide over lean years.[315]

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[312] Cf. Varas, Santiago Machiavelli: *El Problema de la Industria del Cobre en Chile y sus Proyecciones Economicas y Sociales.* Santiago, 1923. This is an economic study of the copper industry in Chile, recommending the nationalization of the industry or an export tax.

[313] *Literary Digest*, 10 February, 1923, 76:17.

[314] *Mineral Resources 1924*, Part I, 402.

[315] For a complete survey of the finances, property, and activities of Anaconda and its subsidiaries at the end of 1925, see the *Mines Handbook, 1926*, New York City, 77-98; or Poor's Industrial Section, 1928, New York City.

The Strife Concerning Taxation

The problem of taxation is particularly severe in a democracy. The body which must impose taxation, the Legislature, is composed of men who must spend their lives with the neighbors whom they tax if they levy upon general property. From this reason comes the popularity of the so-called "indirect" taxes. The income tax, which is the only real substitute for the general property tax, has ordinarily been made palatable to the general public by exempting the average and smaller incomes from its imposition.

It is the task of the political scientist, rather than the historian, to discuss the "*pro* and *contra*" of the various forms of taxation. Although that discussion is an inviting field, almost every citizen having set opinions in the matter, the present narrative must be content to remain narrative and not go into argument.

The constituent convention of July, 1889, determined the general policy of taxation in Montana, reaffirming the time-honored general property tax, the bane of all theories on the subject, as the form to be followed in the new State of Montana. But when the matter of taxation was before them, a committee reported favorably to the exemption from the general property tax of ores *in situ*. Some agrarian members were indignant at the attempt to escape taxation, as they regarded it, but the convention was moved by the arguments of its distinguished president, William Andrews Clark, himself a large mining capitalist and operator, to sustain the committee's position.[316]

Mr. Clark's eloquent argument was based on several contentions: first, that there was no method known to metallurgy, mineralogy, or geology whereby, considering all the uncertain circumstances that attend this industry, a fair and equitable value could be placed upon a mining claim; second, the fluctuations in the value of metals prevented any proper valuation upon this form of property; and third, that the fair way to arrive at a just basis was to tax the net proceeds of these mines.

We have seen from the study of the litigation concerning the law of the apex how impossible it was to determine in advance of actual mining operations the direction of a vein, and the experience of the Davis-Daly Company showed clearly the impossibility of forecasting the amount of ore in unopened deposits. A broad vein frequently "pinched out" while a narrow finger of ore might soon broaden into a rich deposit upon further development. A comparison of the total investment with the total returns from the copper industry, if such figures were available, would doubtless show an extremely small margin of profit. And when it is considered that the opening of new deposits in other parts of the world, for example, the Katanga mines of Africa, may affect the selling price very suddenly, the enormous risks of the industry are evident.

In conformity with the new constitution, the Legislature of 1891 levied a tax on the net proceeds of mines permitting deductions from the gross receipts of the cost of labor, machinery, and supplies, improvements and repairs of the mine and mill, depreciation at 6 per cent of the value of the mill, transportation charges, the cost of extraction and marketing, and the cost of superintendence at the mine. Later the Supreme Court specifically refused to allow the deduction of taxes and insurance, although the lawyers for the Anaconda pointed out that these were ordinary expenses of business and that the buyers of custom ores had to pay these costs thereby making an inequality in the treatment of those who smelted custom ore and those who smelted the product of their own mine.[317] This net proceeds was liable to taxation for all general purposes, just as any other personal property.

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[316] Proceedings and Debates of the Constitutional Convention held in the City of Helena, Montana, July 4th, 1889, August 17th, 1889. State Publishing Company, Helena, 1921. 475-6.

The Constitution of Montana by no means limited the taxation of mining companies to the net proceeds of the mines. All ore in process or metal finished and awaiting sale; all buildings and machinery; and all standing timber and timber lands was subject to taxation. And the building of the City of Butte, with its large hotels, banks, office buildings and shops made the surface ground of mining claims extremely valuable for taxable purposes.

The rapid spread of socialism was one of the outstanding features of the first two decades of the twentieth century in all the United States. Strangely enough, the American people were willing to accept its economic doctrine of the state control of industries, and the broadening of the functions of government, while rejecting its political program. In Montana, as in other states, the application of the socialist doctrine took the form of a rapid enlargement of the services performed by the state for its citizens. The most expensive of these was complete secondary and higher education, but public health service, the live-stock bureau, the state fair, and a host of other services contributed to increasing not only the scope of governmental activity but the expense as well.[318]

Thus it was that toward the end of the war period taxation became a pressing problem, aggravated in 1919 by a partial crop failure which forced the state to make seed loans to many of its farmers.[319]

The first step toward a larger taxation was taken when the Legislature of 1917 levied on corporations a tax of 1 per cent of their net income. This law allowed as deductions from the gross receipts all ordinary and necessary expenses of business, including all losses sustained during the taxable year not compensated by insurance or otherwise, interest on indebtedness, and taxes. This was paid into the state treasury for state purposes only, for the privilege of doing business within the state.[320]

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[317] *71 Montana*, 132.

[318] In 1912 Montana had the highest per capita tax of any state in the Union, $26.83. By 1920 it had increased to $46.70, a total of $25,573,536, of which the school system received nearly half. Stout, *Montana, Its Story and Biography*, Chicago, 1921, page 487.

[319] Wheat which had yielded 33 million bushels in 1918, with a larger acreage yielded only ten million in 1919. Corn which yielded 21 bushels an acre in 1918 returned only four the following season.

[320] ***1917 Session Laws*, Chapter 79.**

The Legislature Investigates Taxation

The problem of how best to levy taxation for the rapidly increasing governmental expenses became serious enough to induce the Fifteenth Legislature, meeting in 1917, to pass an act creating a tax and license commission, naming C. J. McNamara, of Chouteau County, and Charles R. Leonard, of Silver Bow County, as commissioners.[321] The Legislature significantly instructed this body, among other things, to investigate "with the view of determining what further and other license taxes or other taxes should be paid by foreign or domestic corporations." New money was urgently needed if the state were to continue to perform the various new social and economic duties desired by its citizens. The feeling against any increase in the general property tax was strong, yet, strangely enough, there was nothing said about a possible income tax for everybody,—the copper miners had been paying such a tax since the earliest times.

The proposals submitted by this commission included: (1) the establishment of a permanent tax commission; (2) new duties for the State Board of Equalization; (3) a revision of the method of taxing property owned or operated in more than one county, such as telephone and electric transmission lines; and (4) the enactment of a law classifying different forms of property and applying various rates of taxation.[322]

The agricultural and livestock industries could not stand higher taxation, for assessments ran high. The average valuation for assessment purposes of grain and hay producing land was $13.07 per acre; of stock cattle $31.15 per head; of sheep $8.07 and the tax levies were not low. The state and county levy combined, not including any local school charges, was 22 mills in Silver Bow County for 1918.

The University Investigates

About this same time Chancellor Elliott of the University of Montana decided upon an investigation of his own, studying the sources of state income, and possible new sources, with the intention of securing larger funds for the support of the institution of which he had been given charge. There was no constitutional provision for the support of the university, and the value of its endowment lands, although carefully husbanded, had not yet increased sufficiently to support the enterprise without taxation. The Chancellor, who had assumed his office in February, 1916, proved to be a shrewd and able politician competent to persuade the legislative assemblies to appropriate the necessary sums for the support of the university.

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[321] On April 30 McNamara resigned and was succeeded by David Hilger, of Fergus County.

[322] Report of the Tax and License Commission to the State Board of Equalization 1917-1918. Independent Publishing Company, Helena. 1918. Out of a total assessed valuation for the state in 1918 of $589,304,187 the mining claims were assessed at $806,763; mining ditches at $188,235; mineral reservations, $3,267,420; net proceeds of mines, $17,355,196 (a bad year, by the way, the preceding year had reported over 45 millions); the Butte, Anaconda and Pacific, $1,165,082; manufacturing and mining machinery $5,897,757; stored ore and bullion $132,800; improvements on patented mining claims, $1,687,828.

In accord with his desire to study the taxation problem, the Chancellor called to his aid a member of his faculty at Missoula, a Russian Jew named Louis Levine, later known as Lorwin, a doctor of philosophy in economics. Early in 1918 Doctor Levine's teaching schedule was reduced, some aid was given him, and work on the investigation started. In the meantime the commission appointed by the Legislature to study the same problem was at work.

For some reason which was not made public, Chancellor Elliott decided that his investigation should be dropped. On 9 January, 1919, he ordered its discontinuance in these words: "From every standpoint of sound public policy it is untimely and inappropriate for the university, as an agency of the state, through any of its representatives, to intrude itself into discussion of the tax problem. Any such intrusion is bound to be misunderstood by the public and by members of the Legislature." Levine, refusing to be governed by his superior officer, published *Taxation of Mines in Montana* through B. W. Huebsch, New York City publisher, and was suspended on 7 February by the Chancellor. Two months later, after a furore had been raised over the "autocracy" of the suspension, the State Board of Education reinstated Levine and issued the pay warrants withheld.[323]

Classification of Taxable Property

The recommendation made by the Tax Commission concerning the passage of a new law classifying property for taxable purposes was accepted by the Legislature of 1919. The new statute distinguished seven classes of taxable property, of which only one class was to be taxed at a hundred per cent of its full and true value.[324] This class, known as Class One, consisted of the net proceeds of mines and mining claims. Class Four embraced "all land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies" and was taxed at 30 per cent of full value. Since ore and metal stocks were not mentioned specifically, they fell into Class Seven which paid 40 per cent.[325]

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[323] "Professor and the Anaconda," *New Republic*, 8 March, 1919, 18:170 takes the attitude that this action was forced by the copper company; William MacDonald, writing in the *Nation* (New York), 3 May, 1919, 108:691, regarded it as an infringement on academic freedom; W. R. Ingalls, writing in the *Engineering and Mining Journal*, 107:578, objected to the conclusions reached by Levine as not justified by the statistics. See also Arthur Fisher, "Land of the Copper Collar," *Nation*, 117:290, 19 September, 1923, which takes unfavorable view of the Anaconda's activities.

[324] *Code 1921*, section 1999.

[325] The other classes of property were:

2. Household goods, furniture and wearing apparel, agricultural tools and all kinds of vehicles, to be assessed at twenty percent.

3. Livestock, poultry, agricultural products, stocks of merchandise, at thirty-three and a third percent.

5. Moneys and credits, bonds, warrants, securities, except capital invested in banking, seven percent (low because easily concealed and it was thought that the slight taxation would not prevent the reporting of these goods).

6. Banking capital, forty percent.

The law came before the Supreme Court on an appeal by the treasurer of Lewis and Clark in a friendly test suit and was promptly upheld. The Supreme Court did not appear to be thoroughly convinced. "In reaching our conclusions, however," said Justices Holloway and Brantly, "it is not necessary for us to say that we are entirely free from doubt," and Justice Cooper, formally dissenting, declared that the act "defies the letter, scorns the spirit, and seeks to override the equality clauses of the constitution * * *."[326]

Dixon's Program

The Hon. Joseph M. Dixon became sixth governor of the state in January, 1921, having made a strong campaign on the basis that he would tax the copper mines more heavily.[327] In conformity with his campaign pledges, he urged the Seventeenth Legislative Assembly to pass a metalliferous mines license tax. "I do not mean," said Governor Dixon, "to give the impression that it is easy to determine whether the present system of mine taxation casts upon that industry its fair share of the burden, nor to doubt that the mining interests are sincere in their belief that they are paying proportionately as much as the owners of other classes of property." He went on to mention that the mines necessarily depreciated in value with the gradual exhaustion of the mine, and that where they were taxed at their full value, as in Montana, without allowance for depreciation, he thought there was merit in the contention that they bore a proportionately heavier burden than the ordinary building or improvement.[328]

The response of the Legislature to this gubernatorial appeal for heavier taxation of the copper industry was a new tax, additional to all existing taxation, of $1 plus 1½ per cent of the net proceeds payable to the state treasurer for the benefit of the general fund.

At this time, 1 March, 1921, the state had an unfunded debt of $2,000,000 with no receipts anticipated for the next nine months. The bond issues for state buildings had been secured by the state lands and were not a charge against taxes; the building program of the State University, involving a bond issue of $5,000,000, had been approved by the electorate but no borrowing had as yet been done. No arrangements were made by the Legislature to fund the current debt, in fact, it remains to this day (1929); but the $5,000,000 for the university system was to be raised by a new and additional tax on general property.

From 1919 to 1923, inclusive, the Anaconda Company lost more than $13,000,000 on its operations in Montana; yet during that same period it paid taxes in Montana amounting to $4,835,000.[329] But the state was still in debt and the agricultural and live stock industries had suffered as well as the mining industry in the post-war readjustment. In order to get more money from the copper companies an initiative measure was proposed during the campaign of 1924.

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[326] *56 Montana*, 146. The challenge was based on Article XII, Section 1, of the Constitution of Montana.

[327] Joseph Moore Dixon served in the Legislative Assembly of 1901; in the Fifty-eighth and Fifty-ninth Congresses, 1903-1907; in the United States Senate from 1907 to 1913; conducted Roosevelt's campaign in 1912; was governor of Montana January 1921, to 1925; and was made assistant secretary of the Department of the Interior by President Hoover in 1929.

[328] The governor quoted figures showing that the total Montana tax on the Anaconda properties for 1916 had been $979,622; and for the next three years respectively: $2,086,483; $1,375,179; and $979,005.

The Gross Proceeds Tax

At the general election of November, 1924, initiative measure Number 28 was passed with 87,790 votes favoring and 65,472 votes opposing it. This measure repealed the metal mines tax of 1921, and replaced it with a graduated levy on the gross proceeds. There was no tax on production valued less than $100,000; on values up to a quarter million the rate was one-fourth of 1 per cent; from $250,000 to $400,000 the rate was one-half of 1 per cent; from $400,000 to a half million, three-quarters of 1 per cent; and above that, 1 per cent.[330] Thus an additional premium was given to closing the mines entirely when mining was not profitable.[331]

Further, there was an element of injustice in taxing the product of the mines at an inflated value. The law provided that the valuation was to be based on the New York market price, which included a freight charge not a part of the value of copper in Montana.

This measure was "sweetened" for the small mine owner by the high exemption,—there were very many little mines producing less than that amount—and for the taxpaying voter by spreading 50 per cent of the returns into the common school fund thereby reducing the amount of local taxation necessary for the support of the public schools.

Such a form of taxation was an innovation and a comparison with the other copper producing states is helpful in understanding the matter. The great copper producing State of Arizona classified mines as "productive" and "non-productive." The productive mines were taxed as being worth four times the value of their net proceeds plus one-eighth the value of their gross proceeds. The rate of taxation was the same as that for other property in the county. The value of non-productive mines, mills, smelters, and mining machinery was taxed also at the same rate as other forms of property.[332]

Michigan, on the other hand, left it to the local assessors to determine what the fair taxable value of mining property was, and merely stipulated that all the property of mining companies should be taxed for state and other purposes under the general property tax laws.[333] Michigan also imposed a corporation license tax on mining companies of 2½ mills on their capital stock, with a maximum levy of $50,000.[334]

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[329] The Copper Target: Information desired by the people of the state about its operations and the taxes paid in Montana by the Anaconda Copper Mining Company, C. F. Kelley, president, 1924, page 20.

[330] *Session Laws*, 1925, page 489.

[331] Cf. M. B. Milligan, "Mine Taxation in Montana," *Engineering and Mining Journal-Press*, 120:1013-1015, December 26, 1925. Mr. Milligan was an accountant, a tax expert, in the employ of the State Board of Equalization.

[332] *1913 Arizona Revised Statutes*, Title 49.

[333] *1891 Session Laws of Michigan*, Act 139.

While the courts of Montana probably would not have permitted taxation of an industry to the point of confiscation it was clearly within the power of the Legislature to increase taxation to the point of taking all the profit out of the industry if it saw fit to do so foolish a thing as to "kill the goose that laid the golden egg." The operators of the copper producing companies had to compete with all other investments, public and private, for the capital with which to operate. No one was compelled to own copper stock; and no one would own it if the enterprise ceased to be profitable. With the cost of mining copper constantly increasing from natural causes, namely, the greater depth from which the ore must be hoisted, the time had long been anticipated by observers when competition of other camps would force the mines of Butte to close. Increased taxation merely hastened the day. Hence the problem before the Legislature reduced to this, "Shall we take for ourselves a larger portion of the income from the mines or shall we conserve this industry to help pay taxes for our children?"

Thus the copper industry of Montana, begun in misfortune by the failure of a silver vein, grew to be the principal industry in the great state. Tens of thousand of men, women and children ate their daily bread in Montana because the copper industry flourished there. Not only miners, but woodsmen in the forests, smeltermen in the reductions works, electricians in the hydro-electric plants, metallurgists and chemists in the laboratories, physicians and dentists to look after the health of this industrial army, lawyers to protect their legal rights, merchants to handle the goods necessary to their support, and all the other secondary occupations and professions, alike throve upon the prosperity and suffered under the adversity of the copper mining industry of Montana.

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CHAPTER XVII

THE RISE OF EDUCATIONAL OPPORTUNITY

In former chapters we traced the political and economic growth of the Territory of Montana. In this chapter let us try, then, to discover the intellectual sources of the greatness of Montana. Let us observe how the population increased, and how that population sought to improve its intellectual backgrounds by furnishing free public education and endowing private education.

The agencies which have sought to give educational opportunities are: the territorial and state governments; the Roman Catholic Church; the Presbyterian Church; and the Methodist Episcopal Church. Individuals not connected with any of the religious organizations have helped to give Montana boys and girls an educational opportunity. But whether a boy gets an education or not is dependent upon his reaction to the opportunity offered, for the state cannot compel its citizens to be educated even though it endeavors to compel attendance upon schools.

Roman Catholic Education

The Roman Catholic Church through the Society of Jesus first opened schools for white children in this region. We have already seen how this church rushed its teachers into the new settlement of Helena. By 1884, two academies had been established, one at Helena, and the other at Missoula. Ten years later, the number of academies had increased to seven. Again, in 1884, the Roman Catholic Church had in operation two parochial schools, whose number grew to nine in the next decade.

For the secondary education of boys who might ultimately enter the priesthood as well as to furnish a broader Catholic education for the youth of the diocese of Helena, Saint Aloysius' Institute, a boarding and day school, was founded 8 September, 1906. This academy was the forerunner of Mount Saint Charles College for whose building the cornerstone was laid by Bishop Carroll at Helena, 27 September, 1909. Housed in this handsome building its faculty of a half dozen or more priests began instruction in the following September and this institution has continued the instruction of hundreds of Catholic boys in both secondary and higher education. Its first bachelor of arts, Patrick Francis McVeigh, was graduated in 1916.

The Roman Catholic educational system in Montana in 1928 consisted of a college for men, six academies doing secondary work, and fifteen elementary schools.

Protestant Educational Work

The Montana Collegiate Institute, located at Deer Lodge, was the first institution of higher learning in Montana. It was founded in September, 1878, by E. H. Irvine who organized a society or corporation for this purpose, entirely independent of any sectarian or public control. The Montana Collegiate Institute began instruction in 1881 in a large building well lighted, heated and ventilated. Its first principal was William Mountjoy, a graduate of Christian University of Canton, Missouri. Shortly after the opening of the school the Presbyterian Synod of Montana paid the debt of $5,774 then owing by the Institute, and on 3 September, 1883, began its operation as a synodical institution. In 1884 a foundation was laid for a second large building, and on 6 March, 1884, the school was incorporated as the College of Montana.

For sixteen years the College of Montana operated under the presidencies of the Rev. Duncan J. McMillan (1882-1890), the Rev. James Reid (1890-1894), Rev. George F. Danforth (1894-1895), and the Rev. A. B. Martin (1895-1900). In 1904, after a suspension of four years, the college reopened under private auspices, then in 1906 was returned to the self-perpetuating board of trustees, whose membership was confirmed by the Presbyterian Synod of Montana. The presidents after 1906 were: L. T. Eaton (1906-1908), Henry R. Fancher (1908-1915) and Franklin H. Geselbracht (1915-1916). Then the trustees feeling the weight of finance, decided to cease operation and liquidate their assets.

Methodism's Educational Enterprises

About the same time that plans were being laid to found the college at Deer Lodge, the Methodist Episcopal Conference of Montana resolved "that the educational interests of Montana demand immediate action on the part of the church in the establishment of a school of higher learning to meet the wants of our people." A committee consisting of Governor Potts, Rev. F. A. Riggin, Rev. Clark Wright, Rev. W. W. Alderson and Rev. W. W. Van Orsdel took the matter under advisement. Since there were not 500 Methodists all told in the territory who might be expected to support a college, and the committee knew that a college was being promoted at Deer Lodge about this time, no action was then recommended.

The Conference of 1888 appointed one of its number, the Rev. R. E. Smith, to the task of raising money for a Montana Wesleyan University. One of the means used was the attempt to sell 500 scholarships, good for five years, at the rate of $250 each, but this scheme soon proved useless. When solicitation of cash was begun, Governor Hauser was the first to respond with a contribution of $5,000. Within a year, assets valued at $60,000 were pledged and partly contributed. A building was erected three miles north of Helena, and here, on July 6, 1889, Bishop Goodsell laid the cornerstone of a five-story brick building. Wilbur Fisk Sanders was the president of the Board of Trustees and one of the principal movers of the enterprise. By this time there were 1,600 Methodists in the territory, but even this number could not support a college without liberal aid from other sources. In September, 1890, class work for forty-two students began under a faculty headed by Dr. F. P. Tower who had come from New York

City to take the position.[1] Lack of any endowment and of proper financial support made the task a severe one for those managing the school,—it was not a university, not even a college, in spite of its high sounding name which indicated hope rather than fruition. In 1893 the teaching force was reduced to three persons. From 1894 to 1898 J. C. Templeton, a schoolmaster, was at the head of the institution of whose nature much may be learned from the following advertisement which appeared in the Helena *Daily Herald* of December 5, 1895:

> The main feature of the Wesleyan University is its wonderful ability to look after the souls of the persons committed to its charge, as well as their minds. In spite of the fact of its non-sectarianism, however, the closest attention is given to see that the lives of the students during their stay at the school shall be free from any pernicious influence whatever. As a result of the methods of the faculty an enviable point of perfection has been reached in this particular.

When this advertisement appeared the school had sixty-five students "from girls and boys of twelve to grown men and women," the average being seventeen. To the Methodist Conference, Mr. Templeton reported: "Many of the students show a serious lack of home government, and we fancy not a few have been sent to us largely on account of their incorrigibility at home." It took nearly a quarter of a century for Montana Wesleyan to make its constituency value it for higher purposes than merely reformation.

In the autumn of 1898 the Rev. Thomas Van Scoy was brought from Oregon to head the school. Doctor Van Scoy was a competent schoolman and under his able control the university prospered, although handicapped by a $40,000 debt incurred in building. During the first year of his presidency, Doctor Van Scoy decided that the usefulness of the school would be enlarged by removing it from the Prickly Pear Valley to the City of Helena, which lay three miles to the south. In that way the school could draw upon the city population for students who would live at home. This was the most important decision, perhaps, that was ever made in the history of the institution and Doctor Van Scoy deserves the eternal gratitude of all alumni of the college. The president raised by subscription the sum of $9,000 to purchase buildings in town. In the fall of 1899 the school was removed to two buildings on Ewing Street, a recitation hall at the corner of Helena Avenue, and a forty-room dormitory further south. The dormitory was named for one of the officers of University Board of Trustees, a stalwart Methodist pioneer preacher, and an unselfish friend of the school, the Rev. Jacob Mills.[2] The new administration was sufficiently ambitious to advertise in their new quarters a college of liberal arts, a college of music, a university academy, a normal department, a business school, and a school of art.

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[1] The first board of trustees of this University consisted of Bishop Joyce, Rev. F. A. Riggin, Rev. A. D. Raleigh, Rev. Jacob Mills,, Rev. W. W. Van Orsdel, Rev. George D. King, W. A. Shannon, Fred Gamer, Ex-Governor J. E. Rickards, W. H. Gebauer, Richard Lockey, J. H. Aylesworth and Wilbur Fisk Sanders.

[2] Jacob Mills was born in Topham, Vermont, 18 November, 1842, and died at Helena 29 October, 1925. During the Civil war he served under General Banks and Grant, losing his left arm in a battle near Winchester,

President Van Scoy's services to this pioneer school had barely had time to testify to the ability of this educator when his work was cut short by illness due to pneumonia. His death followed quickly, on 11 February, 1901, at the age of fifty-three years.

After the death of President Van Scoy, the Rev. George D. King was placed in authority as acting president, followed by the Rev. J. W. Morris, Ph. D., who only remained one year, retiring to become an evangelist. Then the university was turned over to Prof. Charles Wesley Tenney, an able administrator and well-known schoolman, who for several years operated the institution as an elementary school and academy on his own financial responsibility. He agreed to carry on all the school work, paying the salaries of teachers, cooks, janitors and others, and all the operating expenses, receiving as his compensation all the tuitions and fees plus a $500 guaranty from the Conference. The Conference agreed to put the buildings in repair and to pay the interest on the bonded indebtedness. Of the guaranty, Mr. Tenney actually received during the year only $55. Notwithstanding, he was willing for several years thereafter to continue this financial arrangement. The building debt was liquidated in 1903, but mortgages on both the Helena and Valley property remained. To assist in financing the school, the Rev. R. P. Smith was appointed chancellor, and sentiment by 1905 was rapidly developing in favor of a new location where a campus could be available.

A few years later under the presidency of the Rev. Charles Lincoln Bovard, a munificent gift from Henry Klein, of the firm of Gans and Klein, made possible the purchase of a twenty-two-acre campus northeast of the capitol grounds. On this campus was built a two-story brick building, costing approximately a hundred thousand dollars, which provided administrative offices and nine classrooms. Then six years later, under the presidency of the Rev. Leon H. Sweetland, a generous gift of Jacob Mills made possible the erection of a handsome three-story brick dormitory, capable of housing a hundred students. President Sweetland's resignation in 1919 brought Allan Clark Lemon into control as acting president. In the operation of the school which had under President Sweetland's administration revived the collegiate instruction, Mr. Lemon was ably assisted by the vice president, the Rev. Paul Mil-

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Virginia. In 1882 having previously bought an interest in a flock of Montana sheep he decided to come West. He had exercised his spiritual gifts as a local preacher before coming to Montana and the great need of Christian workers in his new home soon led him to join the Montana Conference of the Methodist Episcopal Church (1882). After serving several parishes he was made superintendent (then called presiding elder) of the Bozeman and Helena-Butte districts. Twice he represented the church in Montana at the legislative body the quadrennial General Conference of the Methodist Episcopal Church. From 1907 to 1914 he was conference evangelist. His gifts to various religious enterprises amounted to more than $70,000, forty percent of which went to the college he loved so dearly. He died at a cottage prayer meeting at the ripe age of eighty-three.

ford Adams, who had been retained as early as 1905 for instruction in the exact sciences.

In the spring of 1920, the Rev. Charles M. Donaldson was elected president and ably administered Montana Wesleyan College (the name had been changed from "University" several years before) through a most trying financial crisis in the state, strengthening the faculty and increasing the student body to nearly 250 students. During Doctor Donaldson's presidency, the secondary work began to be gradually discontinued, a year at a time, so that in September, 1925, only students of collegiate rank were enrolled. Upon President Donaldson's resignation in April, 1922, to return to the pastorate, Dean Lemon was raised to the rank of acting president.

In 1922 a movement gained headway to unite the financial interests of the Presbyterian College of Montana with those of Montana Wesleyan College, a movement which had the leadership of Doctor Donaldson among the Methodists and the Rev. Newman Hall Burdick, pastor of the Helena congregation of the Presbyterian Church. An agreement in 1923 was entered into whereby the funds resulting from the liquidation of the assets of the Presbyterian College were combined with those of Montana Wesleyan College, instruction to be continued on the campus in Helena. There was much discussion of what the name of the combination should be and for a time Westminster-Wesleyan College was favored, but the choice finally rested on Intermountain Union College. This college was governed by a board of thirteen trustees, four of whom were elected by the Methodist Conference, four by the Presbyterian Synod, and five by the corporation. Not less than four of the trustees were required to be Methodists and not less than four Presbyterians; no specified number were required to be clergymen but it was customary for the clerical bodies to elect trustees from their own numbers. In addition to the tuition fees the college was heavily aided by the general boards of education of the two churches, as well as by subscriptions taken in all parts of the state.

In the building vacated by Montana Wesleyan University when the University was moved into Helena from its location in Prickly Pear Valley, the Montana Deaconess School began classes for elementary instruction on 14 October, 1909, under the superintendency of Louise Stork, a deaconess of the Methodist Episcopal Church. The function of this school was to provide elementary education for those children who were orphaned or whose parents resided too far from a public school to permit attendance. The institution financed itself and received no support from the church outside of Montana, nor from any one parish in Montana. Since 1912, Miss Roxanna Beck has been its superintendent. Until 1925 the Methodists had a complete educational system in Montana from the first grade to a baccalaureate degree but with the discontinuance of secondary instruction at Intermountain Union College a gap was thus formed between the elementary and higher systems.

Beginnings of the Public School System

The foundation for a public school system was laid in the Organic Act which provided that one-eighteenth of all the land in Montana should be set aside for school purposes. When these lands should be sold, the proceeds were to be invested and the interest applied to school support. This sum would only grow as Montana was settled and would never be sufficient to support a school system without the aid of taxation. Furthermore, this endowment did not become available until after statehood was achieved.

The Territorial Legislature by an act of February 7, 1865, provided for the organization of a school system. Prior to this act Thomas J. Dimsdale, an English school teacher, interested himself in the promotion of educational affairs and was largely responsible for the law of 1865. He had been appointed by Governor Edgerton as the first territorial superintendent of public instruction and was certainly the best man available for the task.

PUBLIC SCHOOL AT BOZEMAN

In the summer of 1863 Miss Kate M. Dunlap had taught a subscription school in Nevada City, Alder Gulch, and during the following winter, Michael Roach and A. B. Davis each taught subscription schools. During the summer of 1864 Miss Dunlap and A. H. Van Brocken each kept schools, then Miss Dunlap became Mrs. Davis, and that winter there were three private schools in Nevada City, operated by Mrs. Davis and Messrs. Roach and Van Brocken.

At Bannack during the summer of 1863 Mrs. Henry Zoller taught a few primary pupils, and in the winter of 1864-65 Mrs. Major Watson kept a private school.

Mrs. S. W. Park (nee Lucia Darling), who was a niece of Governor Edgerton, writing forty years later recalled that in October, 1863, she opened a private school for a dozen children in the Edgerton home at Bannack, on the bank of Grasshopper Creak near the ford. During that severe winter the school was closed for a time, then reopened in the spring. The following autumn school was conducted by Charles Sackett and Richard Fenn of Tallmadge, Ohio.

In the fall of 1864, Thomas Dimsdale advertised a private school and his card received the following editorial support:[3]

> In our advertising columns will be found the card of Professor Dimsdale, who, having settled among us, is endeavoring to organize a school worthy of this place. Now our notion is, that teaching is nowhere a private affair; it is a burden that should be equally on all our shoulders. A schoolhouse should be built belonging to the district. This would reduce the price of education materially. Above all things, every lover of his country and of children should use his influence to keep the rising generation out of the streets, which is a bad school and send them where there is a good one. We believe that the promises made by Professor Dimsdale will be strictly carried out, and that parents and guardians will find it to their interests to send their children to a place where their moral and intellectual progress will be cared for by a man whose experience and testimonials prove him to be eminently fit for his calling. Our city can surely support a good school.
>
> The night school will be very valuable to those who can not otherwise avail themselves of the opportuntties (*sic*) offered by Proffessor (*sic*) Dimsdale to obtain a good education.

The first public school in Montana was organized at Virginia City and opened on 5 March, 1866, with Mrs. Sarah Raymond Herndon teaching the higher grades and Mrs. Farley the lower. This school was held in the Union Church, a log structure 50 feet long by 30 wide, built in 1864 and during this first term accommodated eighty-one pupils. School books available were only those brought in by the several families, the only ones available at John Ming's general store being the familiar little Webster's Speller, and not enough of those to supply the demand.

Coincident with the opening of this first public school, the first school district was organized, with Joseph Millard as chairman, and Samuel Word and Captain Rodgers as members of the Board of Trustees.

It appears that prior to 1866 a certain Mr. Thrasher and Thomas J. Dimsdale (whose appointment has been mentioned above) had acted as school commissioners, and might be considered as pioneer superintendents of public instruction. Peter Ronan, an old miner and newspaper man, was selected to fill this office in 1866 but declined and the position was accepted by Alexander H. Barrett, who served but a few months and resigned in favor of A. M. S. Carpenter. Toward the latter part of his term Mr. Carpenter submitted to Governor Green Clay Smith the first report of a superintendent of public instruction. From this report it is possible to gain some idea of the difficulties and problems which confronted these early superintendents.

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[3] From the *Montana Post*, 17 September, 1864. The spelling in the editorial is a sufficient argument of the necessities of education.

> Virginia City, 20th October, 1867.
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> To His Excellency, the Governor, Green Clay Smith:
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> In compliance with your request and the intent of the law creating the office, I beg leave respectfully to submit the following report of the condition of the common schools of the territory so far as I have been able to obtain the statistics.
>
> I was appointed to fill the vacancy created by the resignation of the late superintendent, A. H. Barrett, Esq., by the late Gen. Thomas Francis Meagher, then acting governor, on the 4th day of March, 1867. I found no reports from county superintendents in the office at that time, nor have I since received any, save a very commendably full one from Superintendent Wilkinson, of Edgerton County, in response to my request issued on the 28th of September last, to the County Superintendents for the statistics in their possession.
>
> Through the kindness of Mr. R. N. Farley, Clerk of District No. 1, Madison County, I am able to give you some statistics concerning the schools in this city, which you will find embodied in a tabular form accompanying this report.
>
> In Beaverhead County, I learn indirectly, no public schools have been opened during the year.
>
> No schools have ever been organized in Chouteau County.
>
> In Edgerton County, there are three school districts organized in which schools have been taught some portion of the year.
>
> Eight school districts have been organized in Madison County; but aside from District No. 1, of this city I am uninformed of the fact of any school having been taught in either, though I think it fair to assume that there have been in each.
>
> I am, respectfully, your obedient servant,
>
> A. M. S. Carpenter.

The Federal census of 1870 found 1,027 males and 718 females in the fifty-four schools of the territory. Of these schools forty-five were described as "ungraded common," seven were "day and boarding schools," and one was a parochial school. One may gather from the contemporary life a picture of the typical schoolhouse,—a little log cabin, chinked in with mud, rock and smaller logs, rude desks made of logs hewed to a flat surface and benches of similar logs with wooden pins for supports. There would, perhaps, be a fireplace, but, owing to the severity of the winters, summer terms were popular.

Following Mr. Carpenter, Thomas F. Campbell and A. G. Lathrop each served about two years. In 1872 Governor Benjamin F. Potts appointed as superintendent Cornelius Hedges,[4] whose ability was already recognized in the state. "He was a leading lawyer, had served as United States district attorney and while superintendent of schools was also sitting on the probate bench of Lewis and Clark County. Judge Hedges was one of the founders of the Helena Public Library and one of the fathers of the state and her systematized laws." This was a most fortunate appointment and during Mr. Hedges' five years of service in this office, distinct progress was made. Superintendent Hedges made the first complete report of this department giving information concerning the schools in the nine counties of the territory at that time, namely: Madison, Gallatin, Deer Lodge, Lewis and Clark, Meagher, Jefferson, Chouteau, Missoula and Beaverhead. Among other interesting items in this report is the statement that the average length of the school term each year was eighty days, and that bookkeeping was a required subject in the public school course of study. He also stated that 1,881 pupils were enrolled and the average daily attendance was half that number, that fifty male teachers and forty-nine female teachers constituted the faculty of this school system, and that there were fifty-one schoolhouses and grounds with an estimated value of $21,192. At the beginning of his term Deer Lodge had the only frame schoolhouse in the territory, Missoula the only brick school building, while Helena was holding school in the basement of a church, the desks and benches of which were "a terror to behold." However, during Judge Hedges' administration good buildings were erected at Helena, Virginia City, Bannack, Blackfoot and New Chicago.

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[4] Hedges was one of the most prominent Masons in the territory, serving that order as grand master in 1870 and as grand secretary from 1873 to 1907. His son after him served in this office until his death, 1925. Cornelius Hedges, Sr., accompanied Major Washburn in the exploration of Yellowstone Park in 1870 and has left us a fascinating account of his visit to this wonderful region. Due to this trip Mr. Hedges conceived the idea of making the

Some of the difficulties and problems of the superintendency were revealed in Judge Hedges' report in his complaints that there was too much of a tendency for school districts to divide, that the county superintendents were slow in making reports, and that the law provided that the "superintendent shall keep his office at some place where there is a post office" and that "he shall receive a salary of only $1,200, with a $300 allowance for traveling expenses." That this compensation was entirely inadequate is shown by contemporaneous accounts, as "in his devotion to the duties pertaining to this position Judge Hedges traveled hundreds of miles, under trying circumstances, to gather the few teachers then in the territory, to the different centers of population, instructing, providing and devising methods and improvements only possible with a man of collegiate training and unselfish enthusiasm."

Judge Hedges was succeeded by Superintentent Clark Wright in 1877, whose report cited improvements in all the counties of the state, and new schoolhouses at Bozeman, Butte, and Benton, while during this year, two counties of the territory held teachers' institutes. It was during Superintendent Wright's term that the first institution of higher learning was founded at Deer Lodge. Mr. Wright indicated this in his report giving Deer Lodge County first place for interest shown in educational work and outlined the

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region a national park; he pressed the idea and Yellowstone National Park became the first of our fourteen national playgrounds as well as a monument to the great man. See his journal in the Montana Historical Society Contributions, Volume V at page 376.

plans for the opening of the Montana Collegiate Institute. It was founded, 1878, as a private school and opened that year in hired rooms with twenty-four students in attendance. Soon thereafter a sentiment developed that the institution might well be taken under the protection of the Presbyterian Church and this new relationship was effected in August, 1882. The following March this institution was incorporated as the College of Montana which was one of the leading pioneers in educational work in the Northwest, having a substantial plant of college buildings and an endowment fund of $100,000.

When W. Egbert Smith came to the office in 1879 he found 7,049 pupils, or practically double the number shown by the census of 1872. Under Mr. Smith's administration twenty-three public school buildings were constructed in the territory. Helena, at that time, was credited with having the best graded schools in Montana. Among other reforms in the system suggested by Superintendent Smith were uniform certificates, a Board of Education and the consolidation of schools.

During the administration of Supt. Robert W. Howey (1881-82) a number of improvements were introduced in the system of public education of Montana. The length of the average school year was increased to 110 days; a course of study was prescribed; for the first time the county superintendents sent in regular reports to the superintendent of public instruction; deaf and dumb children were sent East at public expense; Helena, Butte, Bozeman, Deer Lodge and Virginia City introduced high school work; and the Legislative Assembly adopted uniform text books.

It was also at this time that the foundation was laid for the University of Montana under the congressional act of February 18, 1881. This measure was entitled "an act to grant lands to Dakota, Montana, Arizona, Idaho and Wyoming for university purposes." By its provisions the University of Montana received a grant of seventy-two sections, or about 46,000 acres of land, which was to form an endowment fund, the income from which was to be used exclusively in the support of the University. Due to Superintendent Howey's careful supervision the interests of the future university were well guarded and the best lands available were set aside for this purpose, although it was twelve years before the University of Montana was actually established.

In his report of 1882, Mr. Howey stated that eleven new school buildings had been erected, among them a fine ten-room building in Butte, also that the first meeting of the Territorial Teachers Association was held as a result of his influence and industry. Furthermore he recommended the establishment of a reform school. County superintendents were now selected solely for school purposes, and in this year two women were elected to the office, Miss Helen P. Clark of Helena, the daughter of the Malcolm Clark whose death has been recounted, and Miss Alice Nichols of White Sulphur Springs.

Cornelius Hedges was again appointed to the office of superintendent of public instruction in 1883 and vigorously set out to overcome some of the obstacles which confronted him. He sought to bring inspiration and new ideas and methods to his teachers by means of teachers' institutes which were held in every county in spite of many difficulties. The chief difficulty was the expense which the teachers had to bear in attending these institutes. Because of the vast distances and difficulties of travel it often cost the teacher the amount of a whole month's salary for stage fare to the meeting. It is not surprising that the good work of these earnest, self-sacrificing pioneer teachers inspired the confidence of the people, as was shown at an old-fashioned spelling-bee at Billings by the donation by Mr. Billings of $4,000 towards a new school building. This new school was the only one in the territory to boast a modern furnace.

The schools of this decade were not the brick and marble palaces which the children of the twentieth century expect. On the contrary there were some districts which owned no building at all, and nearly two-thirds of the structures were of logs. In the entire territory there were only thirty-one schoolhouses of brick or stone: These schools would seem strange to the boys and girls of today for most of them were ungraded and one out of every three teachers in the territory was a man. The average school year was only half as long as that of today and one county reported having a district which had only a twenty-nine day term. Another entire county averaged only seventy-two days of school. On the other hand the city schools of Helena and Butte did not differ so greatly from present-day standards.

PUBLIC SCHOOL, RED LODGE

An act of the Legislature dated 12 March, 1885, provided that school textbooks should be uniform throughout all districts and required that the publishers should keep a wholesale supply at San Francisco with a retail store in one store in each county. These texts were selected for a four year period by the Text Book Commission which consisted of the superintendent of public instruction and two other persons appointed by the governor, one of whom was required to be a practical teacher. The findings of the commission were reported to the Legislature which adopted the list; thus no change could be made by any other authority than the Legislature.

The office of territorial superintendent was next offered to James H. Mills, who had served for five years as secretary of the territory, but he declined it, and W. W. Wylie succeeded to the superintendency. One of Mr. Wylie's first concerns was to introduce into the schools the teaching of physiology, especially the effect of alcohol and narcotics on the human system. Mr. Wylie, in his report, pointed out how greatly the amount of work which fell to the various county superintendents varied, and that the salary was not proportional to the work required. In the case of the county superintendent of Beaverhead, there were eighteen school districts to look after while the salary was only $500. However in Yellowstone County there were half that number of districts and the salary was twice as much. To provide for an equalization of salary and work, Mr. Wylie recommended that there be four district superintendents instead of so many county superintendents. He had the programs of the Territorial Teachers Association which met at Butte that year (1885) printed and by securing from the railroads a reduction in fares for those teachers who attended, made it possible for a greater number to enjoy the advantages of the association. He was instrumental in having teachers' institutes held in most of the counties and in starting "a movement which resulted in an educational department making out the lists of questions for teachers' examinations, which allowed each and every county superintendent to use his own judgment both in selecting the questions and in marking the answers to the same."

Arthur C. Logan succeeded Mr. Wylie as superintendent of public instruction in 1887. There were then 289 organized school districts and 394 teachers. One of Superintendent Logan's contributions was the establishment of the custom of the schools planting trees on Arbor day.

Two years later, 8 November, 1889, Montana achieved statehood, and thus the endowment of the two sections in each township provided by the enabling act of 29 February, 1889, became available.[5] The exceptions to this act were the Indian, military and other Federal reservations until they were returned to the public domain. This act provided that the school lands might be sold at public auction for not less than $10 per acre; the proceeds were to be put in a permanent fund and only the interest used for the support of the schools. Fortunately, since most of this land would not bring $10 an acre at that time, the state was able to obtain some revenue from these lands by a provision in the enabling act which provided that such land could be leased under the state control, for a period not exceeding five years, and in quantities not exceeding one section to any one person or company. These lands were not subject to preemption, homestead or other entry, but should be reserved for school purposes only.

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[5] The reader will bear in mind that in Montana the township is only a surveyor's unit, and not a governmental division as in many of the older states.

First State Superintendent of Public Instruction

John Gannon, who was elected the first state superintendent of public instruction, reported in 1892 a gradual but steady growth throughout the state in the number of children attending school, the number of teachers and schoolhouses and also of salaries paid teachers. He suggested that the county institutes for teachers be conducted by educators selected and paid for this purpose instead of by the county superintendents, thus bringing in new inspiration and ideas. Moreover, that those who were to conduct the institutes should get statistics of the number of teachers in elementary work, intermediate work, etc., in order that they might make their programs serve the needs of the greatest number possible.

E. A. Steere succeeded to the superintendency in 1893 and it was during the first year of his administration that the State University was founded. Finally after twelve years the state was able to take advantage of the land donations made by Congress in 1881 but a bitter quarrel, due to sectional jealousies, followed concerning the location of the university. Helena, being the railroad and geographical center, was the logical site, but at the same time the struggle was on to determine the location of the permanent capital of the state. Incident to this and as a result of political bartering, it was decided to divide the university into four parts and establish the following institutions: the University of Montana at Missoula; the Montana State College of Agriculture at Bozeman; the Montana State Normal School and College at Dillon; and the State School of Mines at Butte. At the same time a State School for the Deaf, Dumb and Blind was established at Boulder, and also the State Reform School, which Superintendent Howey had recommended, was opened at Miles City 3 April, 1894. It was also in this year that the State Orphans' Home was opened at Twin Bridges. In the same report which told of the establishment of all these state institutions, Superintendent Steere reported the creation of seventy-five new school districts.

In E. A. Carleton who succeeded Mr. Steere in 1897, the state school system had a very energetic superintendent who accomplished much during his administration. He continued the work of the text book commission, which had been appointed under Superintendent Logan, and had been composed of Messrs. Howey, of Helena, and Meyers, of Deer Lodge. He organized the State Text Book Commission much as it is now. He reported on the work of the rural schools and their consolidation, noting the six county high schools at Bozeman, Boulder, Dillon, Kalispell, Lewistown and Livingston with a total enrollment of 386 pupils. Superintendent Carleton called the county superintendents together for the first time, on 27 August, 1897; published the first general course of study, and held the first eighth grade examinations.

At this point we must interrupt this history of the state superintendency of the public instruction to describe the beginnings of the high school and university systems.

The Organization of High Schools

The general census of 1890 found 142,924 persons in the newly created state of which 28,963 were of "school age," that is, from four to twenty-one years. Of this number, 16,980 were in daily attendance, a very goodly proportion of those who were not too old to have completed the eighth grade. During this decade, high schools began to be organized and in 1897 a demand for a curriculum for accredited high schools was met. This program of study laid out work for three years, an explanation of the courses was given, and text books for each course were recommended.

Herbert P. Rolfe, of Akron, Ohio, had organized a high school in Helena as early as 1876; in the middle of the next decade a high school was organized in Butte; and in 1890 Great Falls offered secondary work. Gallatin was the first of the counties to set up high schools and Fergus County followed this example the same autumn. Beaverhead, Flathead, Jefferson, Park, Sweet Grass, Teton, Broadwater, and Custer counties organized, in the order named, high schools within the next three years. By 1906, 3,500 children were receiving high school instruction in twenty-five district high schools and fifteen county high schools.

State Superintendent Harmon offered an interesting comment on the working of the two-fold system of secondary training, saying that the law had not met the expectations of its advocates. It had not been expected that the law would provide for counties wherein city high schools were already established. When elections had been held for the establishment of high schools, they were invariably established at the county seat and the city high school had been abolished. As a very few cities in Montana were able to support a first-class high school by the existing method of taxation the law establishing free county high schools was utilized to relieve the cities of the burden, instead of putting county high schools in rural districts.

Since the extension of high school privileges necessitated additional taxation, the legality of the act of 1899 was soon called in question. In efforts to correct the weak points in the law and to make its legal position unassailable amendments were passed in 1901 and 1903. In 1907, these acts were superseded by an entirely new law. The question of establishing a county high school was left to the electors, as well as the question of its location. The Board of County Commissioners had the power of appointing six residents to serve with the county superintendent as a Board of Trustees. The county treasurer was authorized to levy a tax on all taxable property for the support of this school, provided that the tax did not exceed ten mills. In addition of this ten-mill levy, if bonds for buildings had been sold, a tax must be levied for bond service. Let us assume, for example, that a county bonded itself for $100,000 to build a high school building; this was the maximum amount allowed by law, and even this amount had to come within that provision of the law (approved February 27, 1905) limiting all bonded indebtedness to five per centum of the county's taxable property. Then, in addition to the ten-mill levy for the maintenance of the county high school, the taxpayers would have an additional burden of approximately $10,000 a year to cover the cost of their building program.[6] Tuition in county high schools was free to residents of the county; "foreigners" might be charged a tuition by the county Board of Trustees, if room was available to admit them. No county was compelled to admit non-residents; no city school district was forced to accept pupils from other districts; no district was compelled by law to furnish high school education.

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[6] It is necessary to keep in mind the fact that the county tax of four

The legislative session of 1915 provided that the county high school tax should be shared by all high schools, whether district or county, doing accredited work. (As early as 1906, high schools were being divided into accredited and non-accredited groups under the authority of the State Board of Education.) This law helped to stimulate the development of high schools in small towns of counties which had county high schools; so the Legislature of 1917 provided a county-wide tax for high school purposes of three mills to be levied in all counties not supporting county high schools.

Teacher Training in High Schools

Owing to the shortage of rural teachers, the Legislature of 1917 authorized accredited high schools to establish normal training courses for rural teachers, or junior colleges, or both. Only one high school in each county was permitted to install such a course. The state appropriated money to pay half the salaries of the teachers engaged exclusively in this normal training, and during the first year after the passage of the law, $5,000 was contributed by the state to high schools for this purpose to the county high schools of Dawson, Fergus, Flathead, Park, Sidney, and Teton, as well as the district high school at Glasgow. About 1,800 new teachers were needed every year, and about 35 per cent of the entire teaching force lacked technical training. It was hoped that this law providing a possibility of normal training in high schools would result in a larger number of trained teachers. In 1924, about 40 per cent of the elementary teachers serving in Montana schools had had only this high school training.

Montana has had the advantage of the experience of her sister states in educational matters and improvements have been adopted as rapidly as they have been shown to be wise. Being a wealthy state, and potentially even more wealthy, Montana has been able to expend a very high sum per capita on her children's education. In 1924, Montana's cost for each child attending school averaged $107.25 for the current expenses, being exceeded only by the expenditures in Arizona, California, Colorado, Nevada, New York, and Wyoming. The average for the United States was $74.86.[7] Good teachers have been attracted from the East by the lure of the high wages paid for all kinds of service in the new country, forgetting that living expenses were proportionately high. About half the elementary teaching force in Montana in 1924 received more than $1,000 for their nine months' salary, and many taught less than nine months. About a third of the high school teachers received more than $1,700 for their 160 days' teaching.

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mills for the maintenance of elementary schools, and the taxes levied by the several school districts had to be met in addition to the high school taxes.

[7] These figures were taken from the Bulletin, 1925, No. 42, of the Federal Bureau of Education, entitled, "Statistics of State School Systems," 1923-24, p. 34.

State Board of Education

Governor John E. Rickards, on 10 March, 1895, approved an act establishing a State Board of Education to consist of eleven persons, of which number the governor, state superintendent of public instruction and attorney general were to be ex-officio members. The other eight members were to be appointed by the governor with the advice and consent of the Senate. The appointments were to be made for the term of four years. The board was required to meet semi-annually at the state capitol and was permitted to hold special meetings when called by the president and secretary of the board. The members of the board received no compensation for their services, but were allowed expense money. The powers of the board as stated by the organic act were as follows:

> 1. They shall have the general control and supervision of the state university and the various state educational institutions.
>
> 2. To adopt rules and regulations, not inconsistent with the constitution and laws of this state, for its own government, and proper and necessary for the execution of the powers and duties conferred upon them by law.
>
> 3. To prescribe rules and regulations for the government of the various state educational institutions.
>
> 4. To recommend to the Legislature a uniform system of text books to be used in the public schools of the state below the high schools, in accordance with the provision of this title.
>
> 5. To grant diplomas to graduates of the state university and other state educational institutions, upon the recommendation of the faculties thereof, and may confer honorary degrees upon persons other than graduates, upon recommendation of the faculty of said institutions.
>
> 6. To adopt and use in the authentication of its acts an official seal.
>
> 7. To grant state diplomas, valid for six years, and life diplomas.
>
> 8. To keep a record of its proceedings.
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> 9. To make an annual report on or before the first day of January, which shall be printed under the direction of the board.
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> 10. To receive from the State Board of Land Commissioners or other boards or persons, or from the Government of the United States, any and all funds, incomes and other property to which any of the said institutions may be entitled and to use and appropriate the same for the specific purpose of the grant or donation, and none other, and to have general control of all receipts and disbursements of any of said institutions.
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> 11. To appoint and commission experienced teachers to act as instructors in county institutes.

Welfare Institutions

Under the jurisdiction of the State Board of Education fell several institutions for the care of those children who did not fit

UNIVERSITY OF MONTANA, MISSOULA

into the other units of the school system of the state. The State Industrial School for incorrigible boys was established at Miles City in 1893. The State Orphans' Home was placed at Twin Bridges by the same Legislature. The State School for the Deaf, Dumb and Feeble-minded was opened at Boulder in 1895. An industrial school for girls was located in the Prickly Pear Valley near Helena in 1919.

Founding the State University System

That endowment by the Federal Government whereby Montana received seventy-two sections of land for university purposes was the basis of the State University System, but the impetus toward organization of such institutions came when it was proposed by friends of Montana Wesleyan University that the denominational part of the name (Wesleyan) be dropped, and the institution in the Prickly Pear Valley be reincorporated as Montana University. Thus we find the Legislature of 1893 providing that:

"The state has the exclusive right to the use of the name 'University of Montana,' and no other institution of learning, or corporation, must use the name of 'University of Montana,' 'Montana University,' or like name, and the attorney general is required to bring action in the name of the state against any person, association or corporation using such or like name, for the purpose of dissolving the corporation, and recovering a sum not exceeding $500, nor less than $100, which is hereby made the penalty for a violation of the provisions of this section, from the person or association using such name."

At the same time provision was made for the University of Montana to be located at Missoula and governed by the State Board of Education. In 1895, a faculty of five, with Dr. Oscar J. Craig at its head, began university work in rooms of one of the city public schools. Two years later, the Legislature authorized the floating of bonds to the amount of $100,000 in order to provide buildings, a site having been donated by two citizens, Mr. E. L. Bonner and Mr. E. G. Higgins. During the thirteen years' presidency of Doctor Craig, the institution grew in buildings and enrollment; certain courses were organized into a College of Liberal Arts and Sciences; the course in applied science became the department of engineering and a department of education was developed.

Under Dr. Clyde L. Duniway, formerly of Stanford University, who became president in 1908, the preparatory school was abolished and a law school established. This scholar remained only four years, afterward becoming president of the University of Wyoming. He was succeeded by President Craighead of Tulane University. At that time the institution had an income of $120,000, a faculty of thirty-one and a student body of 222. President Craighead tried to bring about a consolidation of the four parts of the higher educational system into one great university with a campus of at least 10,000 acres where experiments in forestry and agriculture might be made. The proposal was strongly supported by educators and appeared to be popular with the citizens of Montana. The measure passed the Lower House of the Legislature, only to be defeated in the Senate by the pressure of the towns which feared they might lose the divisions of the system which they then had.

A substitute measure was adopted 14 March, 1913, providing for a reorganization into a Greater University with cooperation rather than consolidation. The head of this organization was entitled "Chancellor of the University," and he was required to reside in Helena. The State Board of Education appointed to this office Dr. Edward Charles Elliott of the faculty of the University of Wisconsin. Doctor Elliott called to his assistance Dr. Henry H. Swain, former president of the State Normal School at Dillon, one of the most able and broad-minded educators in the state. Together, these men harmonized the four units, set up a budget and persuaded the several Legislatures to appropriate the necessary moneys. This office was able to lead the people of Montana to a more generous support of their University in the election of 1920, when a 1½ mill tax was voted for maintenance and a bond issue of $5,000,000 was authorized for new buildings in the welfare institutions and the four units of the university.[8]

In 1922, Chancellor Elliott resigned to accept the presidency of Purdue University. There had been considerable dissatisfaction expressed about the state on account of the expenses of the chancellor's office, which amounted to about $20,000 annually. Many good citizens who did not understand the functions of the office thought that four presidents of the units did not require $20,000 worth of supervision. Efforts had been made in the Legislatures of 1919 and 1921 to abolish the office and it appeared probable that the 1923 Legislature would do so. Nothing of the kind was done, however, and Dr. Melvin A. Brannon, formerly president of the University of Idaho, and then president of Beloit College, accepted the chancellorship in 1923.

School of Mines

The act of Congress approved on Washington's birthday, 1889, authorizing the formation of a state government in Montana, granted to the new state 100,000 acres for the establishment and maintenance of a school of mines. It was further provided that the minimum selling price should be $10 per acre with the provision of leasing unsold portions thereof for the benefit of the school.

The Legislature of 1893 provided for a school of mines at Butte which was to have for its object instruction and education in chemistry, metallurgy, mineralogy, geology, mining, milling, engineering, mathematics, mechanics, drawing, the laws of the United

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[8] The institutions benefited by this act were: the School for the Deaf and Blind, at Boulder; the State Orphans' Home, at Twin Bridges; the State Industrial School for Boys, at Miles City; and the State Vocational School for Girls at Helena; and the State University in its four divisions at Missoula, Butte, Bozeman, and Dillon. The one and a half mill tax was to be effective for a ten year period; before the expiration of that time (1931) it would be necessary to pass a new measure to provide for the further support of the university system. The interest on the five million dollars' worth of bonds was not to be deducted from this tax, but was to be levied in addition.

States and of the state in reference to mining and the rights and duties of citizens in relation thereto. Like the University of Missoula, the supervision was invested in the State Board of Education.

The main building of the State School of Mines was built in the years 1896-97 but it was not ready for occupancy until 1900. On September 11, 1900, the school opened with a faculty consisting of Nathan R. Leonard, president and professor of mathematics; William S. King, professor of chemistry and metallurgy; Alexander N. Winchell, professor of geology and mineralogy, and Charles H. Bowman, professor of mechanics and mining engineering. It was found necessary to open a preparatory department the following January. The attendance of that first year was thirty-nine, consisting of seventeen freshmen, three sophomores, one junior, and ten students in special courses and eight preparatory students. The preparatory department was abolished in June, 1905. The School of Mines was the first unit of the University of Montana to abolish secondary work. The work of the School of Mines is highly specialized. Great efforts has been made to avoid any unnecessary duplication of work offered at Missoula or Bozeman. The income of the School of Mines from its land endowment takes care of a large proportion of its expenses.

College of Agriculture and Mechanic Arts

The roots of this institution go back far beyond the beginnings of the statehood of Montana. Desiring to stimulate the scientific study of agriculture, the Federal Government passed what is known as the First Morrill Act, 2 July, 1862. This law donated 30,000 acres of land to each state in the Union for each senator and each representative which it had in Congress. When Montana entered the Union, the provisions were extended to her and thus Montana secured 90,000 acres on account of its two senators and one representative to which Congress added 50,000 acres in the Enabling Act. None of this land could be sold for less than $10 per acre. Since that time several other Federal appropriations have increased both the endowment and maintenance of the agricultural school. The first Morrill Act prescribed that military tactics must be taught in all schools receiving its aid. A month later the Montana Legislature passed the act locating the State College of Agriculture and Mechanic Arts at Bozeman, the State Board of Education selected the site for the college campus and the experiment farm. Nelson Story, Sr., and other citizens of Bozeman donated a sixty-acre campus, and the county poor farm consisting of 160 acres was donated one half by Gallatin County and the other half by citizens to serve as an experiment farm. A ten weeks' course of instruction began 17 April, 1893, thus making the Bozeman unit the first of the University units to begin work.

The next Legislative Assembly passed an act to bond the 50,000 acre grant made in the Enabling Act in the amount of $100,000 to construct a building. Buildings were erected out of the proceeds of this sale. The bonds afterward being declared void, the Legislative Assembly of 1907 was forced to issue state bonds in substitution therefor. The Supreme Court of Montana has held that the endowment of the public school system both elementary and higher may not be encumbered in any manner by the Legislature. Consequently, whenever any buildings were desired it was necessary for the people of Montana to provide for further taxation to cover this expenditure. Every student of Montana history and every citizen of the state should bear in mind that whenever the cost of a new building is funded by the floating of a bond issue, which in turn must be refunded out of taxation, the taxpayers must pay for the building twice; for twenty years' interest on a bond issue at 5 per cent is equal to the principal.

The inevitable duplication of courses at Bozeman which were also offered at Missoula led to considerable conflict. The taxpayers of the state objected to the duplication on account of the expense, while the faculty of each institution sought to expand its own functions. Since the organization of the chancellor's office, duplications have been practically eliminated.

Although the school at Bozeman is commonly called the "Agricultural School," the careful student will observe that its College of Engineering receives about twice as many students as its College of Agriculture. The College of Household and Industrial Arts is also much larger than the Agricultural College.

The Normal College

For some years the public school system was handicapped by the lack of formal training in educational methods within the territory and state. High salaries were paid Montana teachers which brought competent instructors from other states. In order to meet the need of trained teachers the Legislature of 1893 provided for the establishment of a normal school at Dillon. The first building was completed and the school opened in 1897. The Legislature of 1903, in changing the name of the institution to "The Montana State Normal College," provided that its function should be:

"Instruction and education, the art of teaching in all its branches that pertain to a good public school education in the mechanical arts and in husbandry, and the fundamental laws of the United States and of the State."

The school was based on an endowment of 100,000 acres of the public domain which was specifically set aside for the establishment and support of a state normal school. The Normal College offers a course of two years' length and does not offer the baccalaureate degree. The growth of the Normal College has been slow but steady. In 1898 its student body numbered 82; by 1917 it had reached 250. In 1924, having recovered from the effects of the World war, the number of students registered during the autumn, winter and spring quarters was 437.

In order to satisfy the requirements for certification many teachers have attended the summer sessions. During the summer of 1924, there were 602 students attending Dillon, 139 attending the Lewistown extension, 179 the Miles City extension and 180 the Billings extension. In addition to these, 364 persons were attending the summer session at Missoula, many of whom were teachers taking normal work. After September 1, 1924, the minimum preparation required by law for the issuance of any certificate permitting persons to teach in the public schools in Montana was graduation from an accredited high school and in addition twelve quarter hours' credit of professional training. After 1 September, 1926, twenty-four quarter hours' credit of professional training was required. During the summers following the passage of this law in 1923, this provision sent many teachers to the summer schools in order to satisfy this requirement. The same law required that after the summer of 1929 the minimum requirement should be forty-eight quarter hours' credit, the equivalent of attending summer school for four summers or for attending one entire school year.

A second normal school was provided for by an act of the Legislature of 1927, and opened in Billings the fall of the same year. Two years later the Legislature provided for the establishment of a third normal school which was to open in Havre during the fall of 1929.

The Billings Polytechnic Institute

The Billings Polytechnic Institute which was founded in 1908 is an exponent in Montana of the Antioch idea, that is the theory of working and learning simultaneously, or of learning by doing. It was the object of the school's founder, John D. Losekamp, who was the author of the high school law in Montana, to found an institution which should meet the needs of pupils who for various reasons did not fit into the public school system, and give them a training which would fit them for some position in life and in particular train them in good citizenship.

With the generous donation of $25,000 by James J. Hill of Saint Paul, a large irrigated farm, three miles out of Billings, was purchased. The citizens of Billings made possible the erection of buildings and the purchase of equipment by a gift of $100,000.

Here on this farm the little community of students were organized into a complete self-governing state, electing from their own number the officers which consisted of governor, lieutenant governor, secretary of state, chief justice, trial judge, state marshal and legislators. In this way the founders proposed to fit the students to take their places as citizens of the state.

Practical training in agriculture, dairying, and domestic science was provided the students by having them do all the work pertaining to the orchards, gardens, dairy and crops of the farm, under the direction of experts in these lines. Carpentry, blacksmithing, plumbing and furniture-making were taught in the same manner and thus afforded self-supporting students an opportunity to earn their way through school. The school also offered practical courses in commerce, normal training for rural and grade school teachers, preparatory engineering and music.

There are no entrance requirements, the school work being adapted to the individual student and his stage of advancement. Although the institute does not grant degrees, it offers work up to and including junior college work and in the past few years has turned out some very creditable debating and athletic teams.

The State Superintendency Since 1900

The tendency throughout the United States has for several decades been to centralize control of the public schools in state offices and Montana has been no exception. Montana possessed a state school fund fed by the interest on the income from the sale of school lands, by the rentals therefrom and by various fines and taxes but this statewide contribution to the school system was a much smaller proportion of the total cost than in many other states. The adoption of text books for the grammar grades, and the certification of teachers was wholly in the hands of state officials, as well as the preparation of the eighth grade examination questions.

The value of visitation by state officials in improving the quality of work done in the rural schools had led the Legislature of 1917 to authorize a second rural school supervisor. When the second supervisor was appointed a course of study for rural schools was prepared and distributed. In 1919 the Legislature authorized the addition of a high school supervisor to the state superintendent's staff. It was not thought necessary to prepare a course of study for the high schools, however, for these had a much better trained staff. The uniform text book law did not apply to the secondary schools, and, in the absence of any state course of study, there was far less uniformity in the twelfth grade product than the eighth grade.

Notable changes in the state superintendency were made during the long continuance in office of Miss May Trumper (1917-1929).[9] Miss Trumper was well fitted for the burdens of the difficult era during which she served. After having taught in the high schools of Ohio, her native state, she came to Montana and taught at Kalispell. In 1907, she was elected county superintendent of Flathead County and held this position until 1915. Feeling the need of a new contact with the theories of education as presented in the professional schools, she went to Columbia University, New York City, and from that famous school received the degree of Bachelor of Science in 1917. That fall she was elected state superintendent of public instruction.

One of the most important measures which first received Miss Trumper's attention was the manner of certifying the teacher's efficiency. This task had been performed by the county superintendents with the result that a certificate in one county might have been attained with much greater difficulty or ease than in another. To bring the rural schools within any degree of standardization, an attempt at "standardizing" the capabilities of the teachers was obviously the first step. In accord with this policy the Legislature of 1919 passed the necessary legislation transferring the supervision of this matter from the counties to the state, requiring the teachers to pay a small but uniform fee for maintaining this service without additional cost to the state, and authorizing the State Board of Education to name a Board of Educational Examiners to supervise the issuance of certificates. Montana schools in 1920 had a teaching staff of about 5,000 teachers and these taught, on an average, about two years each, rendering it necessary to examine practically an entirely new teaching staff every biennium.

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[9] E. A. Carleton had served in this office from January, 1897, to January, 1901; W. W. Welch, 1901-1905; W. E. Harmon, later state treasurer and secretary of state, was school superintendent from 1905-1913; H. A. Davee, 1913-1917.

If these teachers could have been given the same preparatory training manifestly the need for centralized certification would have been unnecessary, but in 1921 only 6 per cent of the elementary teachers had the equivalent of a Bachelor of Arts degree, and only 39 per cent had a training equal to or better than a two years' normal course. About one-third had taken a twelve weeks' normal course in their high school after completing the twelfth grade and had gone no further. As late as 1928 there were still a few teachers who had not gone further than the completion of the eighth grade. At that date the proportion of elementary teachers who had earned a baccalaureate degree (four years in college) had slightly declined from the 6 per cent in 1920.

To meet this situation the requirements for certification were stiffened so as to force those teachers who had not completed a four years' normal training above their high school work to attend summer schools. In order to make this easier, branches of the State Normal College were established during the summers in the well-equipped high schools at Lewistown, Miles City, Billings, and Havre, in addition to the schools at Dillon and Missoula.

Another reform in which Miss Trumper was interested did not meet with the success which had accompanied her promotion of state certification, namely, a larger financial support for the school system from state-wide taxation. It had been pretty thoroughly agreed among schoolmen that a goodly portion of school support should come from state taxation in order to relieve the local districts somewhat and to equalize the burden of education on the basis of taxable valuations. In the pioneer conditions which still obtained in many parts of Montana there was a wide discrepancy between the number of children to be trained and the property valuations of the counties in which these children lived. For example, it was pointed out in 1923 that whereas Meagher County's valuation was more than $7,000 per child, Lake County's was less than $1,300 of taxable property. But the fairer way to measure responsibility against ability was in the number of teachers employed as compared with taxable valuations. No district was likely to employ supernumerary teachers, so that the question of possible extravagance did not enter here. Measured by this criterion, Silver Bow County was in the most favorable position, having back of each teacher more than $127,000, while Richland County had slightly more than $40,000 worth of property per teacher.

Hence it was argued that the fair thing to do was to equalize this burden by levying a state tax for the support of schools as was done in many other states. To this end the Nineteenth Legislature in 1925 proposed a referendum measure for the election of 1926 levying a 5-mill property tax to be distributed on such basis as the Legislatures should see fit from time to time. A referendum was necessary, for taxation had already reached the limits fixed by the constitution. But this proposal raised two questions: (1) Should the tax be based upon property values or upon other sources? (2) Why should it be left to each Legislature to determine how the money should be divided?

With regard to the first, it should be noted that California was deriving a large school revenue by the taxation of corporations and inheritances. Montana had already begun to divide her gasoline consumption tax with the school funds, as well as her inheritance tax and oil royalty income, but these were very small amounts and served chiefly to establish the principle of state-wide taxation. Then, too, in the general election of 1924 an initiative measure had been voted taxing the gross proceeds of the larger copper mines, one-half the income from which tax was to go to the state school fund, a tax which gave the schools $176,000 in 1925.

The answer to the second query lay in the State Constitution. No expenditure of money from the state treasury could be made without legislative appropriation. And since this was necessary many felt that this great sum to be divided would lead to "jockeying" and "log-rolling" and other scandalous abuses of legislative procedure. Of course, the Legislature might leave the money to be divided as the State Board of Education saw fit, but whatever method might be adopted, the man who voted an additional 5-mill tax on his property had no assurance that the money would be fairly divided nor that his district tax, even if already above the average, would be decreased. As a result of these uncertainties, the vote stood 53,143 for and 86,897 against. Until the state department had a larger control over the local expenditure of school funds, no state-wide taxation proposal is likely to pass the voters of Montana.

Financing the Public Schools

The finding of finances for the operation of a public school system is a problem more or less severe in every state in the Union. The great distances and sparsity of population has added in Montana to a difficulty sufficiently grave even in the densely populated states. During the sixty years since schools were first opened in Montana at public expense, the expenditure for each pupil has rapidly mounted. In 1873, each student cost the taxpayers $35.26. By 1892, the cost had risen 50 per cent to the amount of $48.39 each. For the next fourteen years the rates were stationary in spite of many improvements among which was the offering of high school opportunity. Then came a rapid increase; in 1914 each of the nearly 64,000 pupils cost $84 each. War costs mounted still higher. School expenditures reached their height in 1924 when the per capita cost of the average daily attendants was $112 each. Part of this increase was due to the decreasing value of money which was due, in turn, to the increased gold supply. Part of it was due to the introduction of high school training, to enrichment of the course of study, to more expensive teachers, to longer school terms, to increased cost of text books, and to increased costs of operation of plant and supervision. It should be noted here that the cost of state and county supervision is never included in school costs, for these expenses are borne by the general funds rather than the school funds.

We have already seen that, in 1880, the county taxes furnished 82 per cent of the school moneys and the district taxes furnished only 6 per cent. The school lands returned only a negligible amount. Twenty-two years later, the county taxes furnished only 32 per cent, the district had increased to 58 per cent, the income from the state endowment produced 7 per cent and all other sources, fines, et cetera, furnished 3 per cent. The percentage borne by the districts decreased slightly from 1908 to 1912, but the proportion in 1914, 1916, and 1918 borne by the districts was the same as in 1902.

The land endowment of the common schools by the Federal Government amounted to about five and one-quarter million acres, about one-fifth of which was sold prior to 1920. The income from the investment of funds thus provided furnished about $800,000 annually or about 7 per cent of the cost of schooling.

The Legislature of 1895 provided that certain fines imposed by judicial process should go to the school fund of the several counties; and in 1907, the counties were instructed to levy a 4-mill tax for the maintenance of the elementary schools. In 1919, the county levy was increased to 6 mills.

In 1923, the Legislature provided that 25 per cent of the royalties derived from the production of crude petroleum should go into the common school fund, not for endowment but for annual distribution. The same Legislature provided that a half of the proceeds of the inheritance tax should likewise be distributed, though on a different basis, to schools.

In 1924, the education of 118,000 boys and girls cost yearly $10,000,000 exclusive of interest on indebtedness or repayment loans. The debt incurred by the districts and counties for school purposes was $13,000,000. This enormous sum did not include the state indebtedness incurred for the university system of which we shall read later. More than 3,500 schoolhouses were said to be worth $24,000,000 and their equipment over $3,400,000. More than one and one-quarter million text books were in use by Montana school children which are owned by the district and county school boards. At this time Montana ranked seventh among the states in the amount of money spent for each school child. This expenditure is necessary on account of the many very small schools required to reach the scattered population—there are teachers in the State of Montana who instruct only two pupils in a school year. The problem can be readily understood when it is known that the rural population, which constitutes 68 per cent of the total, is scattered over 146,000 square miles of territory. That the education of this scattered population has been fairly well accomplished may be seen from the fact that the illiterates of the state numbered less than 3 per cent in 1920, which was a considerable improvement over the 4.8 per cent illiteracy in 1910.

Tabular Survey of the Growth of Public Schools

	1868	1894	1914	1924
Pupils (in att.)	704	16,423	63,686	96,353
Teachers	27	801	3,778	5,698
Schoolhouses	15	529	2,104	3,561
Support				
District Tax	$10,482	$143,748	$2,409,822	$7,609,466
County Tax	----	416,370	1,588,353	2,660,807
State Resources	----	1,189	572,622	977,295
All Others	1,618	21,777	170,848	3,630,137
Disbursement				
Teachers	7,795	376,583	1,431,523	6,043,335
All Others	1,926	272,805	3,947,726	5,420,662
Per Capita Pupil	13.80	39.60	84.44	112.64
Cost Comparisons				
Per Pupil in U.S.A.	15.55	18.41	39.04	95.16
Copper per cwt.	----	10.76	13.60	13.02
Wheat per bushel	1.05	.67	.87	1.30

BILLINGS THIRTY-FIVE YEARS AGO

Libraries in the State

A history of education in Montana would not be complete without some mention of the numerous libraries of the state. They may be considered under four heads, namely: State, Municipal, Collegiate, and School libraries. Lack of space forbids anything more than a most cursory account of these agencies of education which begin to be appreciated when the child gets into high school and whose appreciation grows as the reader advances to the age where contemplation replaces physical activity.

In 1870 Congress appropriated a small sum for the beginning of a territorial library and in 1891 the Montana Historical Society transferred its library to the state. From these two sources came the present collection, greatly augmented by later additions, known as the State Historical Library housed within the capitol building. In this collection an attempt has been made to gather everything of a historical nature that has been printed about Montana. Files of the state newspapers are found here, reports of state officials, journals of historical societies in other states, photographic material and clippings relating to the history of Montana and much other material.

There is need, however, of larger appropriations to maintain an adequate staff in order that the collection may be thoroughly catalogued. Before the files grow any more bulky the newspaper index should be brought up to date and arrangements should be made looking toward a state circulating library in connection with this Library in the future. It is to be hoped that an archives file of unpublished state papers may soon be established, for a considerable amount of material valuable to future historians and other investigators is now being burned for lack of storage space.

In the State Law Library, an adjunct of the chambers of the Supreme Court, is to be found a vast array of legal material of great value. This Law Library dates back to 1881. Here the judges of the Supreme Court, the staff of the attorney general, and the lawyers of Helena do much of their work.

The Helena Public Library goes back to a subscription library begun in 1868. The several disastrous fires which visited the early city made the increase of the collection a weary task, but in 1886 this burden was lightened by making the library a public one supported by a city tax. In 1892 the city erected a three-story building which still houses the collection. The collection is remarkable for the unusually large proportion of non-fiction which is much used by the high school and colleges of the city. It is to be hoped that the City Council will see fit to move the collection into a fireproof home before another fire destroys this valuable tool of education. The library has for several years benefited from the able management of Miss Josephine Haley, whose supervision of this collection entitles her to rank as one of the foremost educators of the state.[10]

The Great Falls Public Library was founded by an association of citizens in 1889 which erected a building by public subscription on a lot donated by the townsite company (Messrs. Paris Gibson and James J. Hill). In April, 1892, the property was donated to the city upon condition that at least $3,000 annually should be used for the support of the library. This collection has grown until it now exceeds 30,000 volumes (1927).

About 1891 Mr. Charles X. Larrabie, a prominent banker, offered $10,000 toward a public library in Butte if the citizens of that city would match the gift with an equal amount. The challenge was met and a total of $22,000 was offered the municipal government if it would erect a suitable building and properly support the library. The city thereupon built a $100,000 building, a magnificent structure for its time, and levied a one-mill tax on all city property for its support. From 30,000 volumes in 1900 the collection grew to double that number in 1927.

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[10] The present staff of this library has rendered many courtesies to the author of the present work, which are hereby thankfully acknowledged.

A surprising variation in the proportion spent for new books is shown in the following comparison of expenditures of funds in the four big public libraries of the state. The figures are from pages 115 and 116 of the *American Library Directory* for 1927:

	Total Annual Expenditures	New Books
Butte	$26,995	**$1,412**
Great Falls	21,000	3,500
Helena	12,000	2,500
Billings	11,000	2,000

The Billings public library building was a memorial to Parmly Billings, the son of Frederick Billings, an early president of the Northern Pacific Railway, given by Frederick Billings, Jr. The structure stands in a park donated by the railroad company to the city. The library was established and is maintained by taxation.

The five units of the State University, located in Billings, Butte, Bozeman, Dillon and Missoula had in 1927 an aggregate of 168,365 volumes. Mount Saint Charles and Intermountain Union College each had working libraries proportionate to their student bodies and also enjoyed the use of the three public libraries of Helena.

Several of the county high schools had libraries of their own while others were forced to rely upon the city libraries. As a general rule this proves unsatisfactory in many places because the townspeople clamor for an increase in the fiction while the high school faculty never tires of recommending non-fiction for the use of their pupils, thus placing the librarian between two fires. Few librarians have sufficient funds at their disposal to satisfy both demands and happy is he who finds a local solution to this problem, for few library readers are aware that the average price of new books has been well above $2 since 1920.

In addition to the foregoing, many public schools of Montana, both in towns which have and in those which have not public libraries, have their own collections. Since books are a prime necessity of education every educator is happy on going to a new community to find it well supplied with books.

For Further Reading

The Biennial Reports of the State Superintendent of Public Instruction furnish a mine of information concerning the developments in the school system.

For information concerning the developments of the higher educational institutions, a comparison of the annual catalogues furnish perhaps the best basic material. There has been no attempt at writing a history of education for Montana, probably on account of the fact that developments have been so recent.

CHAPTER XVIII

THE CHURCHES AND FRATERNAL ORDERS IN MONTANA

The churches have played a most important part in the civilizing of Montana and in making it a safe and pleasant place in which to live. From the earliest times, in the days of the fur trader, before the miner had come, when the Catholic fathers had found their way up the Missouri and were ministering to the Indians, to the present time, the various churches have been untiring in their efforts to relieve distress and to minister to the spiritual, mental, and physical needs of the people. Since Montana was first settled not by families of farmers seeking homes, as in most of the other parts of the country, but by the lone fur-traders and trappers, next by the bachelor miners and later by the cattle men and cowboys, all of whom lived a free and easy life and none of whom had given hostages to fortune, a far different problem was presented in trying to Christianize this country.

The influence of the churches has been far-reaching, since they have taken a leading part in the educational activities in the state and have built practically all the hospitals in Montana, besides ministering to the spiritual needs of the individual citizens in the local parishes. In the history of each of the churches we find records of many good and courageous men and women who sacrificed themselves in order to further the work of their particular denomination in the state.

The Roman Catholic Church

In previous chapters the story of the early Jesuit missions to the Montana tribes has been told. It remains briefly to recount the story of how the work of the church was carried on after the settlement of the region by the whites.[1]

At that time Western Montana was a part of the archdiocese of Oregon City, which had been at one time part of the See of Quebec and hence retained some of the French practices. Eastern Montana was territorially a part of the Archdiocese of Saint Louis, which had long abandoned the early French ways and had become thoroughly Anglicized. Upon the initiative of Gen. Thomas Francis Meagher, who was anxious to colonize Montana with Irish Catholics, the Second Plenary Council of American Bishops at Baltimore in 1866 recommended the erection of two Vicariates-Apostolic to be divided by the range of the Rocky Mountains and called Idaho and Montana. The authorities at Rome accepted this recommendation and appointed a priest whose failing health prevented him from accepting the Vicariate of Montana, so the position was left vacant although considerable missionary work was in progress

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[1] For fuller treatment see Curley, Rev. Edward P.: "Origin and Progress of the Catholic Church in Montana." *Records of the American Catholic Historical Society of Philadelphia,* 1927, Volume 38, pp. 47-121.

St. Helena Cathedral Helena, Mont.
Jorud, Photo.

ST. HELENA CATHEDRAL, HELENA

east of the range both among whites and Indians, principally, if not wholly, in charge of the Jesuit fathers.

Father Urban Giorda, S. J., had founded the Church of All Saints at Virginia City as early as 1863; a little church at Helena, dedicated to the Sacred Hearts of Jesus and Mary, had been built by Father Kuppens, S. J., in 1866, and a better edifice was completed ten years later under the ministry of Father Palladino. In 1869 Father De Smet, whose love for Montana made him ever watchful of her spiritual interests, induced a group of nuns from the convent of the Sisters of Charity at Leavenworth, Kansas, to begin work in the territory. These godly women established Saint Vincent's Academy for girls, Saint John's Hospital, and Saint Joseph's Orphanage at Helena and Saint Mary's Hospital at Virginia City, all before the secular clergy began work in Montana.

The work of the secular clergy in the territory was inaugurated by the appointment of Bishop John Baptist Brondel as Vicar Apostolic for Montana, the two former vicariates now being merged, on 5 March, 1883. A year later Pope Leo XIII made Montana a diocese, with the Episcopal residence fixed at Helena, and the Jesuit fathers turned over to him the various real estate holdings in Helena. When the Bishop was welcomed in Helena his clergy indulged themselves in the pleasantry of expressing their greetings to him in twelve languages, namely: Greek, Latin, English, Flemish (for Bishop Brondel was a Belgian), Italian (the native tongue of some of the Jesuits present), German, French, Blackfoot, Crow, Selish, and Nez Perce. To these words of greeting the Bishop replied in Chinook, an Indian language of the Pacific Coast which he had learned while working among them. Father Palladino, who himself was present, gave to Montana history this interesting sidelight.[2]

For twenty years Bishop Brondel labored for the conversion and faith of Montana. At the time of his death, 3 November, 1903, aged sixty-one years, there were under his charge thirty-two churches with resident priests and thirty-three mission churches. In addition there were eighty-four stations and twenty-three chapels, all served by fifty-three priests. The Roman Catholic population was then said to be about 50,000, including whites and Indians.

Bishop Brondel's successor, the Rt. Rev. John Patrick Carroll, was installed on 31 January, 1905. In the interval between the death of the first bishop and the installation of the second the diocese had been subdivided so that Bishop Carroll did not assume control of all that Bishop Brondel had laid down.

The growth of the church in Montana by the end of the century rendered advisable the division of the state for administrative purposes and the creation of the Diocese of Great Falls, which occupied the eastern half of the state. This diocese was erected 18 May, 1904, and the Rev. Mathias C. Lenihan was consecrated its bishop. By the time a quarter of a century had passed, the diocese claimed a Catholic population of 32,425 in addition to 4,621 Catholic Indians, with forty churches having resident priests, fourteen

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[2] See his interesting narrative of early Catholic efforts: "Indian and White in the Northwest." Edition of 1922, p. 435.

Indian churches and eighty-eight missions. Eleven of these parishes had parochial schools.

Among the institutions of the Diocese of Great Falls were: the Mount Saint Angela Academy at Great Falls; the Columbus Hospital (Great Falls), with a training school for nurses and Saint Elizabeth's Maternity Home in connection therewith; Saint Mary's Institute, a parochial school operated by Sisters of the Humility of Mary from the Sacred Heart Convent and Motherhouse, all at Great Falls; Saint Thomas' Orphan Home under the care of the Sisters of Charity of Providence. There were large Catholic hospitals also at Billings, Fort Benton, Havre, Lewistown and Miles City.

Bishop Carroll laid great stress on education, both elementary and superior. He urged the establishment of parochial schools and persuaded the faithful to see that their children were given the benefit of them. He founded Saint Aloysius' Boarding School for boys and with that as a basis created, a few years later, Mount Saint Charles College, with both secondary and collegiate departments. (See chapter on Education in Montana.) Another favorite scheme of the good Bishop's was the colonization of Belgians, natives of the most crowded state of all Europe and very largely good Catholics, in Montana. To this end he sent Monsignor Day to Europe and thereby secured two groups of Belgian and Dutch farmers to take the uplands on the Valier Irrigation Project in the Blackfoot country.

But the Saint Helena Cathedral is the work by which Bishop Carroll will probably be longest remembered. This beautiful structure, the gift of the people of Montana both within and without the fold of the Bishop, was modeled after the Votive Church of the Sacred Heart in Vienna. It cannot be adequately described in words and for those Montanans who have not examined it personally, it is worth a trip to the capital to see. The cost is said to have been upwards of $400,000.

The service of Bishop Carroll in the diocese lasted a trifle short of twenty years. When he started to Europe on his official visit to the Pope in the autumn of 1925 few of his intimate friends knew he was suffering from the ailment which proved fatal a few weeks later. He died in Fribourg, Switzerland, on 4 November, aged sixty-one years. His predecessor, by a strange coincidence, had like him served Montana twenty years and had died in November at the age of sixty-one.

"He was more than a distinguished high-placed churchman and leader of his people in religious thought," said the Anaconda *Standard*. "He was an educator of national repute, a scholar of highest attainments, a lover of all mankind, a considerate friend and a kindly adviser to all who knew him or sought his friendly counsel. The Catholic Church in Montana suffers a heavy loss in his death, but the state loses a fine and loyal citizen, a man to whom no effort for the common good was too great and for whom no sacrifice in behalf of the public welfare was too burdensome."

A memorial solemn high mass was sung by Cardinal Hayes on 28 November in Saint Patrick's Cathedral and the funeral was held three days later in the Cathedral of Saint Helena, the Archbishop of Saint Paul presiding.

Upon the death of Bishop Carroll, the charge of the diocese fell upon Monsignor Victor Day, who administered ecclesiastical affairs for the Roman Catholics of Montana until the installation of the third bishop of Helena, the Rt. Rev. George Joseph Finnigan. Bishop Finnigan was a man young in years but ripe in experience. After his ordination to the priesthood in 1915 he was for three years a member of the Holy Cross Seminary until 1925. During the European Campaign he served as chaplain of the One Hundred Thirty-seventh and Eightieth Field Artillery. At the time of his elevation to the See of Helena he was provincial superior of the Congregation of the Holy Cross in America. His consecration as bishop took place 1 August, 1927.

The leading institutions under the care of Bishop Finnigan at the time of his consecration were: Mount Saint Charles College, Saint Vincent's Academy, Saint Joseph's Orphanage, and the House of the Good Shepherd, all at Helena; high schools at Anaconda and Butte; hospitals at Helena, Anaconda, Butte, Deer Lodge, Kalispell, Missoula, Polson and Saint Ignatius; and two large Indian missions. The educational interests of the diocese were centralized by the Catholic Educational Association.

One of the valuable adjuncts of the Catholic Church in Montana has been and is the fraternal order of the Knights of Columbus. It is open only to male communicants in good standing with their confessors, and offers insurance benefits to its members. The four degrees of the order teach charity, unity, fraternity and patriotism. The order is strongly opposed to socialism which it has combatted vigorously but, on the other hand, it has also fought bigotry and has labored to promote fraternity among all classes and creeds. Its laws forbid the organization to take any part in politics and it early made known its attitude on the alcohol question by excluding from membership those engaged in the liquor business.

The Protestant Episcopal Church

The Protestant Episcopal Church in United States is the American equivalent of the Church of England in the Old World, whose foundation dates from missionaries prior to Augustine, who came to England from the famous monastery of Iona. The churches are uniform in government except that the American Church has no equivalent of the English Archbishop of Canterbury and, since it is not the state church, has no part in the secular government. In that regard it has had to be satisfied with furnishing from its communion the first President of the United States, George Washington, a communicant at Alexandria, Virginia, and several of his successors.

The history of the Protestant Episcopal Church in Montana begins with the consecration of its first bishop the Rt. Rev. Daniel Sylvester Tuttle, in 1867. His episcopal charge was Montana, Idaho and Utah, a territory embracing 316,546 square miles, equal to five and one-half times that of England-Wales and nearly equal to the total area of France and Spain.

The first Episcopal Church in Montana was built at Virginia City, then a thriving town of 2,000 people, and Rev. E. N. Stoddard who had accompanied Bishop Tuttle to Montana became its resident pastor. Bishop Tuttle then started out on his first Episcopal visitation of his diocese, holding services at Helena, Deer Lodge, Bozeman, Gallatin, Blackfoot and Bannack, traveling more than 1,200 miles by stage and horseback or on foot.

Slowly the organization of the work progressed until by 1875 there were four other clergymen to share the Bishop's labors, the Reverends E. G. Prout, E. L. Toy, M. H. Gilbert and I. F. Dickey. The record of this year's work gives thirty-four baptisms, thirty-one confirmations, and 116 communicants, and services were held at twenty-eight different places. Not until the following year was the second church edifice erected in the diocese, this one being at Bozeman. A year later, the third Episcopal Church in Montana was built at Deer Lodge.

The earliest services at Helena had been held in the courthouse but in 1879 a sufficient following was there developed to erect a house of worship. The first child baptized in Helena was Norman Bernard Holter, who later became a vestryman of Saint Peter's Parish.

In 1880 the diocese was divided at Bishop Tuttle's importunity. He went to the western part of Idaho and Utah, remaining until 1886, when he became bishop of Missouri and later, by virtue of seniority, presiding bishop of the General Convention. "His work, his personality, his warm emotional fervor, his extraordinary memory for faces and names, his vitality and energy, his diapason-like voice, all went to root him in the affections of Montana people."

Bishop Leigh Richmond Brewer, who succeeded Bishop Tuttle as bishop of Montana, arrived early in 1881 and spent the first six months in visiting the fifty-two places where Episcopal services had been held, traveling 4,000 miles, only thirty of which were by rail. For thirty-four years this servant of God labored among the hills and plains of the Treasure State developing his charge, adding clergy here and there in spite of the incredible difficulties of the frontier. His ministry was truly worthy of the Apostolic Succession.

After the organization of the Diocese of Montana in 1904 the work of the church grew more rapidly. A hospital was established and well supported at Helena, known as Saint Peter's Hospital, and an Episcopal endowment fund was started which would eventually relieve the parishes from the expense of maintaining the supervision.

On the second day of January, 1915, failing physical powers forced Bishop Brewer to transfer the administration of the Diocese of Montana to a coadjutor, the Rev. William Frederic Faber, D. D. Bishop Faber was then in the prime of life, being fifty-five years of age, and well suited by experience for the arduous task before him. He was a graduate of Auburn Theological Seminary, and of the University of Rochester, which had given him his Baccalaureate degree and, in 1905, his Doctorate of Divinity. He entered the Protestant Episcopal Church in 1892, having formerly been a Presbyterian minister, and was rapidly advanced to important parishes in Lockport, New York, and Detroit, Michigan. Following his Detroit rectorship, he was consecrated coadjutor-bishop of Montana 10 November, 1914. He was a scholarly man, as well as a pious and kindly one, having written several volumes, among them an important work entitled *Henry VIII and the Reformation in Relation to the Church of England* (1897).

When Bishop Faber undertook the administration of Montana that diocese had thirty-seven clergymen, sixty-eight parishes and missions, and 4,338 communicants. Its only diocesan institution was Saint Peter's Hospital at Helena, which has been mentioned previously. The *Montana Churchman*, established in 1909, conveyed news of the church to the communicants, and in 1917 was made the organ of the Diocesan Board of Missions. This little journal enjoyed during 1918 the temporary editorship of Bishop Faber.

On 28 August, 1916, the diocese was saddened by the death of its beloved bishop, the Rev. Leigh Richmond Brewer, who had lived seventy-seven years to the glory of God. As a memorial to him the diocese erected a new building for Saint Peter's Hospital, worth $125,000. Upon the decease of Bishop Brewer, Bishop Faber became the third bishop of Montana.

The question of the appointment of a suffragan bishop for Eastern Montana concerned several diocesan conventions. It was entirely too much to expect one bishop to supervise the work over so wide an area as the entire State of Montana, but the parishes of Eastern Montana, spread over 78,000 square miles, were not sufficiently strong financially to support a diocesan bishop of their own. To meet this situation the Rev. Herbert Henry Heywood Fox, who had succeeded Bishop Faber in his Detroit parish, was appointed suffragan bishop of Montana, with the understanding that he would have the sole administration of Eastern Montana. His residence was fixed at Billings.

One of the outstanding features of Bishop Faber's administration was the creation of the Bishop Brewer Memorial Missionary Endowment for the support of missions within the diocese. During his lifetime Bishop Brewer had secured from eastern friends about $3,000 a year by personal solicitation and after his death it became necessary to find the sum in some other way, hence the establishment of the endowment. In 1924 the fund reached the $40,000 mark and in 1929 effort was made to increase it to $100,000.

Methodism in Montana

Methodism in Montana has been represented by four branches, namely: Methodist Episcopal; Methodist Episcopal South; Free Methodists of North America; and African Methodist Episcopal. Since the Southern branch maintained only a few missions in the larger towns it has not been an important factor in the spiritual life of Montana owing to its few members. The Northern branch, however, has enjoyed the fellowship of a larger membership and has supported several institutions.

The Methodist Episcopal Church derives its second name from its form of government by bishops (Greek, *Episcopoi*). The church grew out of the evangelical labors, during the eighteenth century, of a priest of the Church of England named John Wesley, hence the frequent use of the term Wesleyan in connection with Methodist institutions. Followers of the Reverend Mr. Wesley came to America prior to the Revolution, the most notable among them being the eloquent preacher, George Whitefield, and the faithful itinerant missionary, Francis Asbury. After the Revolution, in December, 1784, an organization was founded in Baltimore which spread rapidly through the young nation and followed the pioneers into the West, across the plains, and was a great factor in establishing the Oregon country.

The first Methodist preacher recorded in the history of Montana was a Reverend Mr. Craig who preached at Bannack 10 January, 1864, and who was followed by a Reverend Mr. Thompson, about whom little has been preserved. In 1864 the Missionary Society of the denomination sent a Rev. A. M. Hough, brother-in-law of Jay Gould, to organize missions in Montana, who with the assistance of other pastors, established societies in log churches at Virginia City and Montana City. About the same time, in July, 1865, he built a log church in Helena. This building, veneered with brick and now used as a dwelling, still stands at 214 Joliet Street. Few who see it realize that encased within its walls are the original logs of what was the first church in Helena and probably the second or third Protestant church in Montana.

The governing body of Methodism is a General Conference meeting quadrennially composed of delegates from all parts of the world. The General Conference of 1872 gave permission for the organization of this society in the newly settled territories of the Northwest, and in accord with this permission seven missionaries, with Bishop Randolph S. Foster presiding, founded the Rocky Mountain Conference to include the work of the Methodists in Montana, Idaho and Utah, the headquarters of the Montana missions being at Helena. At the time of this organization there were less than a hundred Methodists in Montana and only one church, with three others in process of erection.

In June, 1872, W. W. Van Orsdel, a local preacher, arrived at Fort Benton from the oil regions of Pennsylvania. He began to hold preaching services, made the acquaintance of the Indians whom he treated in a most brotherly fashion and won his way into the hearts of white men and red men alike. Perhaps it should be noted here that, according to the law of the Methodist Episcopal Church, Mr. Van Orsdel was then working as a lay preacher, and owing to this relationship was eligible for, and received the honor of representing Montana at the General Conferences of 1876 and 1880. The General Conference gave the Montana preachers the privilege of resolving themselves into a mission in order to receive the aid of the Missionary Society as they found that their action of 1876 of forming a conference was premature.

Knowing the power of the press these pioneer preachers at their meeting at Bozeman in July, 1882, resolved to establish a paper to be known as the *Montana Christian Advocate.* J. J. Garvin was named editor of this journal, and successfully established it. The *Advocate* became the predecessor of the *Montana Methodist Messenger,* founded about 1905, a sheet which continued publication as late as 1929 and which contained a mine of information concerning the work of the denomination.

The Methodist membership having increased, the twenty-five preachers organized a second Montana Conference at Butte on 17 August, 1887. The work was extremely difficult in the new country and the preachers were ill supported but these stalwart men were determined that they would establish Methodism by founding a college, and in 1888, through the efforts of the Rev. Mr. R. E. Smith, secured 205 acres of land and pledges amounting to $25,000 for this purpose.

This history has already mentioned the pioneer efforts of Reverend Van Orsdel, who had been ordained at Helena by Bishop Fowler in September, 1884, but other men here deserve mention. There was the man for whom the seminary at Denver was named, T. C. Iliff; Jacob Mills, who has been mentioned as a friend of Montana Wesleyan University, and who gave more than any other individual toward its building and maintenance; F. A. Riggin, of blessed memory in Montana Methodism, and Joel Vigus, a copartner in their evengelistic enterprises.

When the General Conference of the Church in 1912 decided to adopt the plan of assigning the bishops to definite areas for a quadrennial residence therein, Montana Methodism was fortunate in securing as its overseer the Rev. Naphthali Luccock. Bishop Luccock gave the Montana area (his See extended over Montana, the Dakotas and Idaho) an able and kindly administration. In the two Montana Conferences the membership had increased from 8,036 in 1912 to 10,824 in 1916, the missionary contributions and the support of the Montana charities having increased as well.

At the beginning of Bishop Luccock's administration the Methodists of Montana, in addition to their university and Deaconess School at Helena were supporting hospitals at Great Falls, Kalispell, Glasgow and Bozeman. In addition to these which were exclusively under Methodist control, some financial aid was extended to the State Sunday School Association, the Montana Anti-Saloon League, the Montana Children's Home Finding Society, the Woman's Christian Temperance Union and the Florence Crittenton Home, all of which were officered partly by Methodists and were regarded as ancillary organizations of the several Christian bodies.

While contributing heavily to all of these enterprises the Methodist Church in Montana considered one of its most essential duties the promotion of the legal prohibition of the liquor traffic. No Methodist would have dared to attack this policy, regardless of what his attitude toward alcoholics might have been. A characteristic utterance was the following wherein the Montana Conferences apparently turned unanimously Democratic:

> "Whereas, the electorate of this great nation in their wisdom, have called to the highest office of our country a Christian gentleman of abstemious habits, who by his example and teaching is and has been a valuable advocate of temperance, and
>
> Whereas, the President in the selection of a secretary of state chose William J. Bryan, one of the greatest temperance

> advocates the world has produced and whose fame in this is international;
>
> Now therefore, we, the clergymen and laymen * * * in conference assembled express our confidence and appreciation and give our unqualified endorsement to President Wilson and Secretary William J. Bryan for their unswerving loyalty and support to the temperance cause."[3]

The Methodist Church was not only concerned with the support of the temperance movement by means of legal prohibition, but also saw fit to scold the Legislature for permitting prize fighting, and expressed its hearty disapproval of horse racing "and its attendant evils," and of Sabbath "desecration." One cannot truly understand Montana Methodism without taking cognizance of its Puritan views regarding amusements; as previous experience had shown in the failure of the American colonies to follow the social and legal changes in England, so Montana Methodism continued to reflect the views of a by-gone era and went on record as opposing the change in the Methodist Discipline which struck out the prohibition against social dancing.

Bishop Richard J. Cooke was assigned to the Helena area for the quadrennium ending in 1920 and during this period came the great Centenary Celebration of the entire church to commemorate the establishment of the Missionary Society. Authorized by the General Conference at Saratoga Springs in 1916, a purposeful celebration of one hundred years of missionary effort was proposed. Pursuant to this action, a World Program Committee of one hundred was constituted and met at Niagara Falls in September, 1917. It was proposed to celebrate this event by a general forward movement of missions, both home and foreign, and the inclusion of other benevolent causes raised the total asking to $115,000,000 to be given and expended over a five-year period. In a campaign for funds which culminated in May, 1919, Montana Methodism was asked to pledge $335,000. This, of course, was a small portion of what the church throughout the United States had given to be used in Montana.

Bishop Charles Wesley Burns was assigned to the Helena area upon the completion of the Centenary Campaign. He faced as discouraging a task as ever man faced for Montana, particularly Northern Montana, had suffered from a long drought. But the Methodist preachers did not surrender. To quote the words of their bishop, "In North Montana through the drought of seven years no man has abandoned his task, while some of our preachers have lived on potatoes and stewed hearts of the Canadian thistle and have kept the fidelity of the faith in the missionary gifts. Out of their poverty and need, the Glacier Park district, covering the whole of North Montana, has presented the remarkable achievement of 112 per cent in missionary giving. With seven to fourteen-point circuits, these hardy, heroic men travel whole counties in their unwashed Fords, building a Christian empire in the Northwest."

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[3] Journal 1913.

While no one would wish to doubt the good bishop's accuracy of statement in portrayal of the dire conditions, one is at a loss to explain why the statistics furnished by the minutes of the North Montana Conference do not reflect a more serious decrease in ministerial support. The following table showing the number of Methodist preachers in North Montana and the total salaries paid leaves one in some doubt as to whether or not the tales of hardship were not somewhat overdrawn. Perhaps the bishop was describing some isolated cases which when concealed in the mass of his brethren's experience as shown by the statistics disappeared completely.

Ministerial Support for North Montana

	Number of Men	Amount Paid
1916	69	$51,107
1917	73	56,038
1918	71	60,976
1919	66	67,402
1920	67	64,314
1921	58	75,982

(These figures include the estimated rental value of parsonages, amounting in 1921 to $11,172 and it should be noted that from 1916 to 1920 the purchase value of money shrank rapidly.)

About this time (1920) under the presidency of Mr. Vernon E. Lewis of Fort Benton, the young people's society of Montana Methodism, the Epworth League, began to hold very interesting and successful summer institutes which were greatly enjoyed by those who attended them.

The General Conference of 1924 adopted the policy of ordaining women in the ministry of the Methodist Church. Several years before this Mrs. Belle Harmon had begun her study of the Traveling Preachers Course and had served the churches at Lehigh, Buffalo and Grass Range as pastor. She was well prepared for this work, having been a school teacher and also having served as a deaconess. On 12 September, 1926, at Billings, Montana, she was regularly ordained an elder in the church, being the first woman to be so honored, not only first in Montana but first in the world. Her outstanding success in her chosen profession is, we trust, an augury of the good services which devoted women will be able to render the church they are anxious to serve.

Under Bishop H. Lester Smith (1924-1928) the church greatly prospered. In 1924 a reorganization of the Conferences was effected whereby the two were merged into the Montana State Conference. This body divided its members for immediate supervision into four districts: Butte District, with headquarters at Helena, under the superintendency of H. K. Holtzinger; Glacier Park District, Charles G. Cole, superintendent at Havre; Great Falls District, Jesse W. Bunch, superintendent at Great Falls; and Yellowstone District, Robert C. Edginton, superintendent, at Billings. To the Methodist hospitals were added institutions at Butte, Havre, Billings, Sidney, and Lewistown, so that in 1927 the Methodists raised and expended on their hospital system the sum of $31,703.

LEWISTOWN

Congregational Churches

The Congregational churches differ from the denominations which follow the episcopal type of government in making the local church the unit of control and granting to each member, regardless of age, sex, or position, an equal voice in the government of the body. This principle of local autonomy permits each local organization to frame its own body of doctrine, so that there is no Congregational creed or discipline, the Westminster Confession which formed the doctrinal basis of Congregationalism in England having been largely repudiated as being obsolete. The Congregational connection carries on much missionary work, both home and foreign, and supports several colleges in the United States.

The earliest establishment of a Congregational society in Montana to remain a permanent organization was established at Livingston in 1882 in the early days of that town, and two years later the Montana Congregational Conference was organized, a church having been founded in Helena that same year. The second decade of the twentieth century saw a rapid expansion of Congregationalism so that by 1916 there were ninety organizations, a number which grew to 110 by 1926, served in the latter year by forty-eight ministers. The Billings Polytechnic Institute looks largely to the Congregationalists of Montana for its backing, although the Institute is not owned by the denomination.

Lutherans in Montana

The Lutheran bodies go back historically to the reforms instituted by the Rev. Martin Luther, of Saxony, in 1521. A few years later his followers drew up a statement of their beliefs in what has been called "The Augsburg Confession" and this has continued to be the tie which bound the various synods.

Unity of government in the Lutheran Church, or in the Christian Church as a whole on earth, has been held by the Lutherans to be a secondary consideration, their chief concern being the preaching of the Gospel of Christ for fallen man. Sacramentally the Lutheran Church stands between the Roman doctrine of transsubstantiation and the position of low-churchmen who hold that the Lord's Supper is nothing more than a memorial. "Lutherans believe in the Real Presence of the Lord's body in the sacrament, but they reject both transubstantiation, as held by the Roman Catholic Church, and consubstantiation, as attributed to them by some writers. They believe that the real body and blood of the Lord Jesus Christ are present in, with, and under the earthly elements in the Lord's Supper, and that these are received sacramentally and supernaturally." The Lutheran worship is liturgical and the general festivals of the Christian Church are kept.

The earliest Lutherans to settle in America came from Holland to Manhattan Island with the first Dutch colony in 1623. In 1710 a large number of Germans began to come to Pennsylvania, bringing with them the Lutheran faith, and in the next century the influx of Scandinavians to the Northwest brought many more Lutherans.

The first Protestant missionaries to the Montana Indians were two Lutheran ministers who came up the Yellowstone when navigation of that stream was opened in the 1830s. Condition not being favorable, however, to the establishment of a permanent mission they withdrew and even after the white population began to infiltrate the development of Lutheranism in Montana was slow. The Religious Census of 1906 found only 1,565 members of that confession, the largest number in any one county being 291 in Flathead County.

During the next decade, however, a most surprising increase occurred. Ten different synods had formed a total of 200 organizations, with a membership of 12,296, by 1916, and was the third largest religious body in Montana. These ten synods differed only in the personnel of administration, but this division weakened the sect both financially and influentially. One reason for the duplication of effort lay in the necessity of ministering to people of different native speech. It was not to be expected that Swedes and Norwegians could be induced to listen to a minister of alien birth; the German Lutherans could not enjoy a sermon in Norse, and the second generation, almost invariably English-speaking, did not enjoy listening to a long sermon in the tongue of their forefathers which they themselves did not speak. The language problem of the Lutheran Church in Montana may be better understood when it is known that that denomination has had services in Finnish, Danish, Swedish, Norse, German and English languages.

After many years of negotiation the English-speaking Lutherans of America, or, to be more exact, those belonging to the General Synod, the General Council, and the United Synod of the South, merged these bodies into the United Lutheran Church in America in 1918.

The Presbyterian Church in Montana

It is related that in the early days of Montana when preachers of all kinds were a great rarity, that on a hot summer day a gentleman dressed in the severe clerical garb of the time and carrying a large umbrella, descended from the dusty stage coach. Either the umbrella or the clerical garb would have been sufficient in itself to attract a crowd and with the combination of these two curiosities the number of bystanders was rapidly augmented. The rumor spread through the crowd that the strange visitor was a "Blue Presbyterian." One of the miners immediately wanted to know what a "Blue Presbyterian" was. He was informed that this kind of people had a broad blue stripe down their backs. And upon receipt of this information the proposal was immediately made that the specimen should be examined for verification of this unusual condition. In a very short time the population of Montana discovered that Presbyterians were not freaks of nature but very worthy folk.

The first Presbyterian minister to carry on continuous religious work in Montana was the Rev. George Grantham Smith, who was sent out by the "New School" Presbyterian Church and arrived in Bannack in June of 1864. He was sent as an exploring missionary to look over the entire field, and preach at as many points as possible, report the needs of the field and prepare the way for other men to follow. His work in Montana was confined to Bannack, Virginia City and adjoining camps and ranches. To quote from

Reverend Smith's own words, "There was no Presbytery, no church, no Sabbath when I entered Montana. It was hard 'prospecting' in those days. I soon learned that my salary of $1,200 would secure me but twelve weeks' board instead of twelve months. I did not organize as I did not expect to remain longer than two years, and the expense of reaching the field and living when there was more than any board could sustain. I took the first census of Virginia City and reported the number of schoolable children and organized schools for them, opened Sunday schools and prayer meetings, married and buried the people, and was instrumental in closing business on the Sabbath. I left Montana in 1866, passed through Helena on the way to Fort Benton, and down the Missouri to the States."

However, the early efforts of Reverend Smith and other ministers left no permanent results and it remained for Rev. Sheldon Jackson, who may be called the father of Presbyterianism in Montana, to effect some organization. On the first day of August, 1869, he organized a Presbyterian Church in Helena, composed of twelve members, eleven women and one man. He said at the time that there was not another Presbyterian Church within 1,000 miles of Helena. But since there was no pastor to care for this infant church it soon expired and was reorganized on 15 June, 1872, when this pioneer of Presbyterianism in Montana, the Reverend Jackson, again made the journey. On this tour he organized seven churches in seventeen days, namely: at Gallatin City, 30 May, 1872; at Bozeman, 2 June; at Hamilton, 3 June; at Virginia City, 5 June; at Deer Lodge, 9 June; at Missoula, 12 June; and at Helena, 15 June; and on the 17th of June the Presbytery of Montana was organized also at Helena. Three of these original churches, at Bozeman, Deer Lodge and Helena, have continued active and prosperous to the present day, the Missoula church having been reorgaized in 1876.

On this second journey, Doctor Jackson brought with him four ministers to care for the new churches he founded. The eastern circuit, the headquarters of which were at Bozeman, was placed in the charge of Rev. William S. Frackleton. The headquarters of the western circuit were located at Deer Lodge and placed in charge of Rev. James R. Russel. It was here that he built the first Presbyterian Church in Montana in 1874. Later he also laid the foundations for the Presbyterian Church in Butte. The Helena church was placed under the care of Rev. William C. Rommel, who served this charge for four years, completing a commodious church edifice there in 1876.

At the same time (1872) as the organization of these seven churches, the Gallatin Valley Female Seminary was opened in Bozeman by the Rev. Lyman B. Crittenden and his daughter Mary Gertrude. Six years later (1878) Reverend Crittenden built the Hamilton stone (concrete) church adjoining the log building occupied by the seminary.

The number of Presbyterian churches and members in Montana steadily increased from 295 in 1882 to 6,792 in 1916, when they ranked fourth among the religious bodies in the state.

The Presbyterian Church has been active in work among the Indians. This work, which began in 1881, has been among the

Assiniboines and Yanktons of the Sioux Nation on Fort Peck and Fort Belknap reservations in the northeastern part of the state. About 1892 an Indian industrial school, supported by the Board of Home Missions, was opened at Wolf Point. Here they aimed to train the Indian children in cleanliness, and the ordinary tasks of home and farm as well as the rudiments of education.

Mention has been made in the chapter on Education of the founding of the Montana Collegiate Institute, predecessor of the College of Montana, which was supported by the Presbyterian Church.

Among the pioneers in the Presbyterian ministry should be mentioned Rev. Eiko J. Groeneveld, D. D., who came to Montana in 1882. After six years at Deer Lodge, where he was both pastor of the church and professor in the College of Montana, he removed to Butte, where he is still pastor of the First Presbyterian Church of Butte after forty-one years of service in that church. He is still actively interested in the educational interests of the church, being a trustee of Intermountain Union College and is beloved and honored throughout the state.

In 1928 the Synod of Montana consisted of six Presbyteries whose names and the number of whose ministers were: Presbytery of Butte, fifteen ministers; Great Falls, ten ministers; Helena, eleven ministers; Kalispell, eleven ministers; Lewistown, seven ministers; and Yellowstone, six ministers.

Masonry in Montana

The story of Masonry in Montana begins with the coming of Nathaniel P. Langford, second in command of an emigrant train of fifty-two wagons which arrived at Fort Benton on 6 September, 1862, under the military escort from Saint Paul. Langford had been master of Pacific Lodge No. 10 at Saint Paul in 1858.[4]

On September 21 this party crossed the Continental Divide by Mullan's Pass and while on the pass three Master Masons held an informal lodge. Many years afterward Langford told the story in an address before the Grand Lodge of Montana saying: "It was a clear September twilight when we camped on the western side of the range of the Rocky Mountains, where they are crossed by the Mullan road. The labors of the day over, three of our number, a brother named Charlton, another whose name I have forgotten, and myself, the only three Master Masons in the company, impressed with the grandeur of the mountain scenery and the mild beauty of the evening, ascended the mountain to its summit, and there, in imitation of our ancient brethren, opened and closed an informal lodge of Master Masons. I had listened to the solemn ritual of Masonry a hundred times, but never when it impressed me so seriously as upon this occasion; such also was the experience of my companions. Our long journey, and its undeviating round of daily employments, had until this occasion been unalleviated by any circumstances calculated to mellow the feelings subjected to such discipline. We felt it a relief to know each other in the light of Masonry. Never was the fraternal clasp more cordial than when in the glory of that beautiful autumnal evening, we opened and closed the first lodge ever assembled in Montana. * * * That fact will render the spot sacred; and once known among Masons, it will never be forogtten, that the first lodge in the territory was opened and closed upon the summit of the Rocky Mountains."

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[4] For much of this material on Early Montana Masonry, I am indebted to the address of Grand Historian Rae J. Lemert before the Grand Lodge held in 1927, furnished me by the kindness of Brother A. C. Schneider, secretary of Helena Number Three.

Langford soon joined the gold seekers at Bannack where a meeting of Masons was called in November to give a brother, William H. Bell, of Saint Louis who died November 12, a Masonic burial service. Seventy-six brethren, many of whom had heretofore been unaware that so many Masons were in the camp, attended the funeral. This discovery led to a request for a dispensation from the Grand Lodge of Nebraska to organize a lodge at Bannack, the following officers being named in the dispensation granted 27 April, 1863: N. P. Langford, James Dyke, and John W. Morrison. Whether or not a lodge ever worked in Bannack under this dispensation is a matter which is in dispute, the records of the Grand Lodge of Nebraska indicating that they did while those of Montana show on the testimony that they did not. It is probable that in the movement of population to Virginia City which occurred about that time that the project was abandoned.

In the fall of 1863, before any Masonic lodge in Montana was working under a dispensation as provided by Masonic law, came the outbreak of lawlessness which made it necessary to organize what was called the Vigilantes to cope with crime. It has been commonly said in Montana that the Vigilante organization and the Masonic fraternity were practically synonymous. The true situation was probably more correctly expressed by Cornelius Hedges, second grand master of Masons in Montana, when he said that while it was by no means true that every Vigilante was a Mason it might be true without serious deviation from exact fact that every Mason in those days was a Vigilante. Some of the more prominent men of this early effort at maintaining peace who were also Masons were: Wilbur Fisk Sanders, Charles S. Bagg, J. M. Fox, Adriel B. Davis, Paris S. Pfoutz, Robert Hereford, and Anton M. Holter.

A learned Roman Catholic priest, the Rev. Father E. P. Curley,[5] long afterward paid the Masons the following compliment:

"While outlawry was at its height an incident occurred which gave the better class of citizens a higher estimate of their strength. A citizen of Virginia City before his death had requested that he be given a Masonic burial.[6] Fears were entertained that there were not enough members of the order to comply with the request. But at his funeral so many Masons attended that it was decided to call a meeting of the society for the purpose of discussing matters pertaining to the crimes being daily committed. A lodge was formed. Sheriff Plummer was suspicious about their motives and tried to become a member of order, but was refused. The order decided that something drastic must be done and so provided for the formation of a Vigilante committee."

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[5] Records of American Catholic Historical Society, 38:89.

[6] Here is a slight *lapsus calami*. The dying brother was William H. Bell of Saint Louis, Missouri, who died 12 November, 1862, at Bannack.

On 17 November, 1863, the grand master of Nebraska authorized the formation of Idaho Lodge, to meet at Nevada City, a few miles down the gulch below Virginia City, and on 23 June, 1865, the by-laws of this lodge were approved and it became Number Ten of the lodges under the Nebraska jurisdiction.

The Masons at Virginia City under the leadership of Paris S. Pfoutz sought and obtained a dispensation to form a lodge of Master Masons from the grand master of Kansas Masons under date 7 December, 1863, and a charter making this Lodge Number 43 of the Kansas jurisdiction was later received. A second lodge of Masons was granted at Virginia City by the Colorado jurisdiction, known as Montana Number 9. Of this lodge Chief Justice Hezekiah L. Hosmer was the master.

On 7 March, 1865, the death of Brother L. Rodney Pocock at Helena (for whom Rodney Street was named) brought together the Masons of Last Chance Gulch. These soon secured from Colorado a charter for Helena City Lodge Number 10, Cornelius Hedges, master.

In January, 1866, at Virginia City the three lodges working in Montana, namely: Virginia City No. 43; Montana Lodge No. 9, and Helena Lodge No. 10, through their representatives organized the Grand Lodge of Ancient Free and Accepted Masons of Montana. This body elected as first grand master, John J. Hull, the master of the Virginia City Lodge. A man who was later to become the leader of Montana Masonry for many years, Cornelius Hedges was named senior grand warden; the famous Wilbur Fisk Sanders, of beloved memory, was the grand secretary. Among the appointive officers was Thomas J. Dimsdale, the first historian of Montana, who died during that year. And here it might be remarked that the other famous historian of the "Vigilante Days," Nathaniel P. Langford, was also well known among Masons.

Following the creation of the Grand Lodge of Montana the subordinate lodges surrendered their charters from the other jurisdictions and Virginia City which had been No. 43 of Colorado became No. 1 of Montana, Montana, also at Virginia City, was the second, and Helena was the third, Nevada City was the fourth, and the first of the lodges to be organized under a Montana charter, the fifth Montana lodge, was Morning Star, meeting at Helena.

A lodge at Wasatch in the Territory of Utah, was charter as No. 8 of Montana, but when, in 1872, the Grand Lodge of Utah was organized, Wasatch became No. 1 of Utah.

The men of Montana did things handsomely in those days. When the Masonic craft wished to present their Past Grand Master Hedges with a testimonial of their regard they gave him a gold watch, a chain and seal costing $450. Not only their generosity but their moral standards were high. In 1870 it was resolved by the Grand Lodge "that indulgence in the vices of intemperance, gambling, licentiousness, and profanity, by members of subordinate lodges in this jurisdiction, is a crime of virtual high treason to the most vital and essential tenets of Masonry,"—a moral stand which was greatly needed in those times.

By the time the Grand Lodge of Montana was ten years old, in 1874, there were sixteen chartered subordinate lodges working and to these belonged 662 Masons. This number, however, does not indicate the strength of Masonry in Montana at that time, for there may have been fully twice as many holden to lodges in other jurisdictions.

On 9 January, 1874, the Grand Lodge of Montana suffered the loss by fire of all its furniture, books, and records; a loss which depleted the treasury, but which was quickly replaced. During the later years of the territorial period Masonry waxed strong in Montana, and when it came time to elect the first governor of the state, the craft had the pleasure of seeing one of its members of Helena No. 3, Joseph Kemp Toole, honored with that position.

In 1904 the matter of a home for aged and infirm brethren came before the Grand Lodge, Grand Master Hepner stating that "The time for the establishment of a home is now ripe; imperative demands for it exist all over the state; many of our needy and helpless brethren are languishing in county hospitals; individual lodges cannot bear the burden of other sort of maintenance of these brethren." A committee was appointed to further this plan and two years later reported its selection of a tract in the Prickly Pear Valley, consisting of 590 acres of land adapted to agriculture and bearing a pleasant grove of trees. Mr. Robert C. Reamer, of Yellowstone Park, Wyoming, had been selected as the architect of a building to cost not exceeding $23,000, a home sufficiently commodious for thirty brethren. Grand Master Lew L. Callaway was the chairman of this committee.

The cornerstone of the home was laid 27 December, 1906. Building continued for three years under enlarged plans so that by the time the first resident of the home was received an investment of more than $100,000 had been made.

Lack of space forbids any extended mention of the ancillary organizations of Masonry such as the York and Scottish rite organizations, the Shriners, the Order of the Eastern Star, the Order of the Rainbow, and the Order of De Molay. Suffice it to explain, then, that membership in the body Ancient Free and Accepted Masons, sometimes referred to as Blue Lodge Masonry is essential to membership in the first three orders mentioned above. Master Masons, their wives, widows, daughters and mothers, are eligible to membership in the Eastern Star; while the Rainbow and De Molay are orders respectively for girls and boys recommended by Master Masons. The Masonic fraternity in Montana numbered upwards of 20,000 in 1928.

CHAPTER XIX

POLITICAL AND SOCIAL HISTORY SINCE 1900

In 1896 Montana liked Bryan and his platform and nothing had occurred between that time and the campaign of 1900 to change that opinion. The fusion of the Democratic and Populist parties was triumphant in electing its entire ticket, both Federal and state. Bryan carried the state by 37,146 to 25,373 for McKinley and this even exceeded the majority of the popular ex-Governor Joseph K. Toole over his Republican opponent, Mr. Folsom.

The litigation arising from the strife of copper interests in Silver Bow County, which has been described in another chapter, brought about an amendment of the State Constitution in this election to provide that:

> "In case any justice or justices of the Supreme Court shall be in any way disqualified to sit in a cause brought before such court the remaining justice or justices shall have power to call on one or more of the district judges of this state as in the particular case may be necessary to constitute the full number of justices of which the said court shall then be composed, to sit with them in the hearing of said cause. In all cases where a district judge is invited to sit and does sit as by this section provided, the decision and opinion of such district judge shall have the same force and effect in any cause heard before the court as if regularly participated in by a justice of the Supreme Court."

Gold Dredging in Southern Montana

At the end of the century gold was still being produced in large quantities but not alone by the placer methods which first brought metallic fame to the region. The copper and silver mines were yielding a large by-product of gold and a new method of gold recovery, that of dredging, was beginning to yield good results.

The use of dredges for gold digging began first in New Zealand about 1865 and was carried to California about the same time interest developed in Montana. But it is said that the California venture was entirely unknown to the gentleman, Walter Haden Graves, who first suggested the use of the dredge in Montana; he got his idea from seeing steam shovels used in the construction of the Chicago drainage canal, a work which began in 1892.

In accordance with this suggestion a dredge named the *Fielding L. Graves* was launched at Bannack in the spring of 1895, having been built there from machinery made by the Bucyrus Company of Milwaukee. The first plan tried was to lift the gravel and gold by suction but this left the gold on the bed rock and hoisted only the worthless lighter gravels. In 1898 the dredge was rebuilt with a bucket elevator which worked satisfactorily. Other dredges were soon built here and in Alder Gulch. All these dredges were constructed near the place of intended operation, then a dam would be built across the gulch and sufficient water impounded to float the unwieldy structure. Once the dredge had scooped out for itself a little lake it was an easy matter to change the boundaries of the basin by the operations of the machinery.

In 1898 Mr. Gordon McKay formed the Conrey Placer Mining Company to dredge Alder Gulch. Prof. N. S. Shaler, the famous scientist of Harvard University, was the consulting engineer and the president of the company until his death in 1906. This company began dredging in 1899 and worked until the European war made gold digging unprofitable for every one.[1]

After Mr. McKay's death it was found that he willed the income of almost his entire holdings, amounting to more than a million dollars, to the scientific department of Harvard University. In spite of Montana's needs for an endowed university here was another instance of a Montana-made fortune going to an educational institution outside the state. The first instance was the magnificent gift of the George F. Hearst estate to the University of California. To the honor of James J. Hill it should be here noted that Montana Wesleyan University was once offered $50,000 for endowment by him if Montanans would match the gift but his offer was allowed to lapse without meeting its stipulations.

Municipal Ownership

Municipal ownership of certain public utilities was coming into practice about 1900, but rather gingerly, it must be admitted. Until Fort Benton had ventured with much trepidation to take over the privately-owned water supply in September, 1893, no city in Montana owned any public utilities, and in this instance the purchase was largely due to the financial difficulties of the water companies. Miles City, likewise, was forced by the poor service caused by financial embarrassment of the '90s to buy out its private water works company.

At Miles City an unwise financial policy threatened to give municipal ownership a "black eye" but this was soon corrected. The purchase in May, 1895, of the water and electric plant here was followed by the reduction of 14 per cent in the rates and the furnishing of free lights and water for sprinkling purposes. Then, too, all electric lamps were furnished without charge to the purchasers of lighting current and service to the churches, parsonages and hospitals was donated. In addition to these added expenses a large sum was spent for the building of a reservoir and a 1,500-foot main to the Tongue River. No adequate accounting system was maintained but the large difference between income and expenditures from 1896 to 1902 (income $63,000; expenses, $103,000) would point to the failure of municipal ownership but when credits for water used by the city, reduction in rates, and the free services were properly included in the credit it became apparent that city ownership did not result in a loss, but, rather, a gain to the community. In April, 1902, shortage of water forced them to go to the Yellowstone River for supply as the original plant should have done.

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[1] For further material on this subject consult: Bureau of Mines Bulletin 121 (1916) and Eighth Annual Report of the Bureau of Agriculture, Labor and Industry of Montana (1902), pp. 432-442.

White Sulphur Springs was the first town in the state to undertake the construction of a municipally owned water plant. While no organized opposition appeared when the venture was proposed in 1896, there were those who questioned the legality of a municipality holding title to water rights, others feared that cities could not handle the capital necessary to so large an undertaking (fully $30,000) and others thought the scheme impracticable upon "general principles." The most serious and weighty asccusation undoubtedly was that it had never been done before in Montana, a crushing rejoinder to any new plan. After the plant was in operation, however, it worked so well that a municipally owned sewer was contemplated.

"Before the water plant was constructed," reported an investigator, "White Sulphur Springs was a barren treeless town with the exception of less than a half dozen lawns owned by wealthy residents who could afford expensive pumping plants propelled by wind. Now it is a pretty little place having some 600 inhabitants, decorated by beautiful groves and nice bluegrass lawns and the people freely assert that their comfort and convenience has been enhanced a hundred fold."

Helena's experience in beginning municipal ownership was quite different from the foregoing. In 1890 the private water company had been granted a twenty year charter but in 1895 the majority of the taxpayers voted to establish a competitive water plant. The state law, however, provided that the acquisition of a water plant by a municipality could only be by purchase of existing plants and a Supreme Court decision holding this to be unconstitutional was required before the way was clear. The water company's price of $1,386,000 was thought to be entirely exorbitant and plans were made for a half million competing plant. This plant was put into operation and it was not until after 1907 that the several water systems were united under municipal management and ownership.

Crime and Its Punishment

What a community deems to be serious crime and punishes as such is of perennial interest to those who love sociology. In the final analysis it is the commitments to prison rather than the statutes which show the public conscience. For example, while seventeen persons died of homicide in Montana in 1900, there were eighteen persons sent to prison in that year for murder and manslaughter, a record of which any state may well be proud. Although frontier conditions still prevail in Montana, its criminals were largely those who disregarded property rights, a condition normally prevailing in more settled communities. Of the commitments in 1900 73 per cent were on charges of having committed attacks upon property rights. Of the remainder, 17 per cent were charged with crime against persons, and 5 per cent only were crimes of a sexual nature.

In a study of 369 convicts incarcerated at Deer Lodge some interesting facts were brought to light in 1900. In the first place this group of criminals had enjoyed the average amount of educational training, namely six years. The ages ran from fifteen to ninety years with the most frequent age given as thirty-four years, —out of the total, nineteen gave this age, and this was the average age. Seventy-two were recidivists, that is, serving other than their first term in prison.

Although 72 per cent of the population of Montana was then of American birth, only 64 per cent of the prisoners were Americans. This condition, which has obtained in all parts of the United States over a period of years, is usually explained by the relative ignorance of the law and the poverty which forbids an adequate defense.

The religious proclivities of the convicts furnished a cross-section of the community from which they had come, both as to the proportion who claimed religious influence and as to the relative numbers of those who held various creeds.

The punishments inflicted showed a much more severe attitude than in more recent days. Of the twenty-seven who were serving life sentences, only one was convicted of first degree murder, twenty-four had been sent in for second degree murder, and the other two for rape. The term "life sentence," however, did not include several very long terms, for example, in addition to the "lifers," there were sixteen murderers of the second degree who were serving terms varying from twenty to sixty years, six serving sentences varying from twenty to forty years for robbery, one for kidnapping was under sentence of twenty-five years, and six accused of rape had drawn sentences ranging from twenty to forty-five years. The severe sentences inflicted for this crime doubtless reflected the high esteem in which women were held in the frontier communities.

The Conservation of Humanity

The ordinary good citizen of Montana in 1903 was astonished at being told that in his fair state there was any necessity for a State Bureau of Child Protection. He saw no children beaten, bullied, cold, hungry, unclean, unschooled, neglected, in sickness, or familiar with vice and crime from their most tender years. He knew of no cases among his friends of children being deserted by their parents, he had, perhaps, never even so much as heard that some people insured their children and then murdered them, but the records of the courts, of the Orphans' Home, and other public sources testified to a need of child protection.

To meet this need, there was incorporated in 1903 a Humane Society looking to the protection of children and dumb animals, and in March, 1903, the Legislature made this society the Bureau of Child and Animal Protection, appropriating money for this work. Otto F. Schoenfeld was named by the governor to establish this conservatory bureau in Montana.

It is not to be thought that the people of Montana had prior to this time been entirely neglectful of the welfare of the children of less fortunate circumstance, the free public school system testified to a great interest therein and other eleemosynary institutions were being supported by the people. At Twin Bridges the Orphans' Home had been maintained for some years; the Catholic people maintained the Saint Joseph's Home at Helena; Senator Clark had established a home for children named in memory of his son Paul Clark; the state was already operating a reform school at Miles City and a School for the Deaf and Blind.

One of the less serious evils of the time, but nevertheless a lamentable practice, was that of sending children into saloons for beer. Public opinion frowned upon the presence of women in public liquor shops and this led to the sending of children upon such errands. Unfortunately only the closure of the saloons brought an abatement of this practice.

In a few years the work of child conservation was further aided by the organization of the Montana Children's Home Society, managed by the Rev. J. A. Barnes and his wife, at Helena; the establishment of the Florence Crittenton Home for unfortunate girls, likewise at the capital; and the House of the Good Shepherd for a similar purpose under the control of the Roman Catholic bishop. In 1908 the House built a fine brick building capable of housing 200 girls.

Unfortunately, the growth of population in the state was not paralleled by a better public conscience in the matter of the treatment of children and dumb animals. In the two years ending 30 November, 1904, the Bureau of Child and Animal Protection had investigated 831 complaints; in the two years ending 31 December, 1910, it handled 5,345 "important" cases. One may weigh the seriousness of the 5,000 complaints by examining some detailed figures, 982 investigations for non-support of children, 921 delinquent children, 802 charges of cruelty to children with 193 prosecutions resulting.

In 1917 the Legislature provided financial aid for children under fourteen years whose mothers were wholly dependent upon their work for the support of their children, and in 1919 the age of children eligible for this relief was increased to sixteen.

The amount expended by the state for the Bureau of Child Protection reached its maximum prior to 1920. Thereafter the Legislature saw fit to reduce materially the amounts appropriated for this purpose so that since that time the usefulness of the Bureau has been decreased.

The Campaign of 1904

The death of President McKinley, whereby Theodore Roosevelt rose to the presidency of the United States practically determined the outcome of the Federal campaign of 1904 long in advance. The Spanish-American war had made Mr. Roosevelt well known and his reformatory policies, particularly with regard to the curbing of "big business," met with popular favor. The free-silver tendencies of the Democratic party had turned away thousands of its previously loyal adherents and by 1904, even in Montana, one of the heavy silver producers, bimetallism was no longer an important issue. The nomination of the conservative Judge Alton B. Parker of New York by the Democrats, and the lack of a program calculated to win Western sympathy sealed the fate of that party, previously victorious in Montana, so that Mr. Roosevelt's electors won a three-to-two victory. The successful candidate had for a few years in the early '80s been a rancher in Western Dakota and had visited the cattlemen's convention at Miles City once or twice so that many Montanans felt that he would have the Western interests at heart more than his opponent.

The popular Democratic governor, Mr. Toole, was a candidate to succeed himself and won more votes than were cast for any one of the Roosevelt electors, William Lindsay being his opponent. Joseph M. Dixon, Republican, held his seat in Congress against his adversary, Mr. Austin C. Gormely, and the 1907 session of the Montana Legislature saw fit to send Mr. Dixon to the Senate after he had completed his third term in the Lower House of Congress.

EDWIN L. NORRIS

Governor April 1, 1908, to January 5, 1913.

A new figure appeared in Montana politics at this election of 1904 in the person of Mr. Edwin L. Norris, Democrat, who won the lieutenant governorship. This office carried with it the presidency of the Montana Senate and during the intervals between sessions of the Legislature his authority was only exercised in the absence of the governor from the state, in which case the lieutenant governor became acting governor with all the powers of that office. The illness which forced Governor Toole to leave the state early in 1908 gave Mr. Norris an unusual opportunity leading to his election as governor in the autumn of that year.

A very close election gave the office of state secretary to Mr. A. N. Yoder, Republican, and an easier contest brought Mr. Albert J. Galen to the attorney general's desk. J. H. Rice, also a Republican, became treasurer and Harry R. Cunningham, later president of the Montana Life Insurance Company, was elected auditor.

The Constitution of Montana was then amended by the electorate forbidding the employment of children under sixteen years of age in underground mines and limiting the working day to eight hours in metal mills, mines, and smelters, as well as for all kinds of public employment.

The Initiative and Referendum, 1906

Political reform was in the air throughout America in 1906. The various temperance societies were denouncing the political machinations of the liquor traffic. Women's rights agitators wished to see woman suffrage laws enacted throughout the country. *McClure's Magazine* had won an enormous circulation by publishing a series of articles attacking various political evils and President Roosevelt had won the popular applause with his denunciation of the "malefactors of great wealth."

One of the most notable reforms urged was that of giving the electorate a direct, as well as a representative, voice in legislation. This plan had first been tried in South Dakota in the year 1898. Then Utah tried it and thirdly Oregon, where it had a wide and successful trial. The Oregon plan was carried to the Supreme Court on the plea that it violated the Federal guaranty of "Republican government" which the opponents of the "initiative" held to be destroyed when direct legislation was attempted, arguing that the essential feature of the Republican government guaranteed by the Federal Constitution was a government by representatives of the people. To this the Supreme Court answered that the representative character still remained and that the people simply reserved to themselves a larger share of legislative power. Before Montana passed upon this question the states of Nevada and Missouri had proposed similar measures to their people. The rejection by the Missourians was the first instance of an electorate going on record as against the plan.

With the power to enact laws by popular vote, which is known as the "initiative," a corollary power to pass upon matters referred to the electorate by the Legislative Assembly was ordinarily coupled, the latter device being known as the "referendum."

These new legislative practices, confined almost wholly to the western states, were not achieved without much adverse criticism being aroused. In the first place the impulse toward the initiative arose from a distrust of legislative bodies. It was claimed by reformers that legislative assemblies were not sufficiently sensitive to popular opinion and that they were too much controlled by predatory interests. Clearly the initiative could not change this situation in the legislatures, even if it really existed, which is a matter to be proved specifically for each body sitting.

Legislatures may offend by passing bad laws; they may pass laws well-drawn but forbidding or permitting matters which should not be forbidden or permitted; or they may pass laws on desirable subjects for legislation which are imperfectly drawn. How, asked the opponents of the initiative, will the proposed reform benefit any of these situations?

The friends of the initiative answered that if the power to initiate legislation should rest directly in the people they would thereby be enabled to pass such good laws as they felt to be necessary, or repeal the bad laws passed by their representatives. The whole case for the initiative thus rested upon the assumption that the legislatures were not truly representative of the wishes of the people.

The referendum had two distinct interpretations. It might be a method by which the people might demand that certain proposed legislation be submitted to popular approval or rejection; or it might be a method by which the Legislature could pass to the public the responsibility of making a decision on a delicate question or a question upon which it was uncertain as to public opinion. The first type of referendum was known as the obligatory; the second type as optional. The referendum, then, was valuable either as a check upon undesirable legislation so arranged that the electorate could speak definitely upon a specified measure or as a means of the Legislature's escape from dilemmas of ignorance or fear. In all cases the referendum was a corrective measure.

The initiative method of legislation as written into the Montana Constitution by the vote of the electors on 6 November, 1906, provided that eight per cent of the legal voters of the state must petition for the submission of the question. These eight per cent must include at least eight per cent of the total vote of two-fifths of the counties and every petition must include the full text of the measure proposed. The petitions must be filed with the secretary of state not less than four months before the election at which they are to be voted upon.

The referendum in Montana was of both kinds. The Legislature had the option of referring measures to the electorate, but such measures were to be fully effective from their passage by the Legislature unless 15 per cent of the voters petitioned for its suspension. Or the people, by petition signed by 5 per cent of at least two-fifths of the counties, could order the submission of the question. Between the passage of the amendment and the writing of this discussion (1929) the Legislature had voluntarily submitted several measures but had never been forced to refer any matter to the people.

The vote in November, 1906, which put these measures into the Constitution of Montana was quite a one-sided contest, 36,374 favored the issue and only 6,616 opposed it. With all this enthusiasm for the new legislative methods there appeared to be no specific matter upon which the public desired to legislate, for the election of 1908 had no initiative or referendum measures under this amendment, before the people for consideration.

Labor Disputes and Difficulties, 1907-1908

Throughout the State of Montana during the year 1907 the working people were restless, and nearly every department of industry was affected at one time or another by strikes. On February 13 the telephone girls in Butte walked out and on the same day the newspapers of Butte and Anaconda were forced to suspend publication owing to a strike of the pressmen, printers and stereotypers who were seeking higher wages. For nearly six weeks, or until March 28, these two cities were without local newspapers. There were also strikes of street car employees, janitors of the public schools, messenger boys, butchers, teamsters, waiters, drug clerks, linemen, telegraph operators and machinists. What threatened to be a serious strike among the mine workers of Butte was averted by a settlement on August 16. The Miners' Union had been unusually free from disputes eventuating in strikes and thus the peaceful settlement was characteristic.

Later in the year three prominent labor leaders got into trouble with the Federal Court on account of their activities. The court had granted the Rocky Mountain Bell Telephone Company an injunction prohibiting union officials from interfering with its employees but despite this order two non-union employees had been forcibly removed from their work by persons interested in unionizing the linemen. As a result of this violence Joseph Shannon, state president of the Western Federation of Miners, William Cutts, of the Carpenters' Union, and A. R. Edwards, a prominent labor leader, were sentenced by Judge Hunt of the Federal Court to spend three months in jail while Cutts and Edwards were also fined.

Times had been hard in Butte, for low copper prices had forced the closure of the mines in 1907, hence when on March first the 20,000 Amalgamated employees were put to work again there was great rejoicing. About six weeks after affairs had begun to approach normal conditions the big Hauser Lake dam, across the Missouri River from Helena fourteen miles, broke under flood pressure. The waters thus released swept down the Missouri Valley, interrupting railroad traffic between Helena, Butte and Great Falls, and causing a half million dollars' damage besides reducing seriously the amount of electric current available for the East Helena smelter, the street railway, and the mines at Butte.

As if this were not enough damage by floods, rising waters in the early part of June swept away the rail commuications of Butte and for a time that city was without train service. Nature seemed unkind to Montana that spring, for while one part of the state suffered floods, a portion further east, in Sweet Grass County, endured a loss estimated at a million dollars from a forest fire.

In the early winter of 1908 Montana suffered from a labor dispute which was not of her own making. On November 30, 2,300 switchmen on the railroads between Saint Paul and the Pacific Coast went on a strike just when the producers of Montana were moving quantities of food to eastern markets and distributing coal in Montana. The strike not only threw the comparatively few switchmen out of work but by tying up other industries dependent on the movement of supplies thereby injured many other men. The union asked not only a raise in wages but also modification of the physical examination and the age limit placed upon entrants into the service. The managers were willing to concede an increase of one-third the amount asked and offered to arbitrate the difficulty but the union refused to submit to arbitration under any circumstances. The railroads brought in non-union men and moved traffic with increasing efficiency, an action which eventually led to a compromise and the end of the struggle.

Political Campaigns of 1908

The third candidacy for the presidency of the United States of Mr. Bryan in the campaign of 1908, revealed that, even with populism dead, he had many friends in Montana. And since the free silver issue was dead also one may well pause to make inquiry why Bryan should have polled more than 29,000 votes, only 3,000 less than the successful Republican, Mr. William Howard Taft, ex-governor of the Philippines?

Mr. Bryan had declared in favor of international arbitration and of abatement of the trusts, of Philippine independence, all of which aroused little interest in Montana. But he also advocated the direct election of United States senators. After Montana had seen its Legislature more than once debauched by an effort to secure the senatorial election for a certain individual, her people were eager to support this movement and several times petitioned Congress for an amendment permitting the direct election of senators.

Another plank in Mr. Bryan's platform which appealed to Montanans was his advocacy of a larger control of the railroads by governmental agencies. Montana was about to elect her first Railroad Commission for this very purpose and was naturally pleased with Mr. Bryan's position on this matter.

Perhaps, too, there was an element of rebuke in the large Democratic vote for the party which had only two campaigns previously advertised itself as the maintainer of the "full dinner pail." Montana industries had derived little benefit from the high tariff enacted by Mr. Taft's party and had paid a royal ransom to other industries for goods protected by tariff. Workingmen in Montana had seen some pretty scant dinner pails since 1900, particularly in 1907, and were receptive to the argument that the Democrats could not do a great deal worse and might do somewhat better.

Then Mr. Roosevelt had been not only instrumental in causing Mr. Taft's nomination but also had been active in campaigning for him, drawing the protest from Mr. Bryan that it was "a violation of the obligation that the President owes to the whole people to use an office that belongs to the whole people as a political asset for the advancement of a personal friend and a political protege."

Notwithstanding this array of reasons favoring Mr. Bryan the weightiest of all was probably the magnetic personality of the great orator. His devotion to righteousness never became puritanical; his burning invective against political evils never became personal; and in all of his long political career no man ever accused him of any dishonesty. Whatever men thought of his political policies, their admiration for Bryan, the man, was unstinted.

As has been previously indicated, Acting Governor Norris was a candidate to succeed himself and won more votes than did Bryan, barely enough, however, to give him a lead over his competitor, Mr. Donlan, Republican. In fact Mr. Norris had a very "close call," for his political opponents elected their candidates for President, congressman, and all state offices other than governor.

In this election an amendment to the constitution was passed creating a State Depositary Board consisting of the governor, auditor and treasurer to take the responsibility of deciding in which banks the state funds should be kept. This action not only relieved the treasurer of some of his financial responsibility but also relieved him from the importunities of bankers who desired the deposits. Montana has never centralized its current funds in any one bank or city and in the days when there was an annual surplus instead of a deficit, as has been the case since the drought of 1919, the possession of a state depositary account was a valuable "liability" for bankers.

At this same election, namely, 1908, the proposition to bond the state for the purpose of obtaining $300,000 to erect two wings on the capitol carried by a large majority, the vote being almost two to one in favor of incurring the indebtedness although the first bond issues had not been retired.

Government of Montana in 1908

Perhaps here we should pause in our narrative of the doings of the people of the State of Montana to inquire what form of government they had after twenty years of statehood. The constitutional offices had not been changed except to increase the number of senators from sixteen to twenty-seven to correspond to the number of counties, and representatives from fifty-five to seventy-three to allow for the increase in population, thereby keeping the representation about the same.

It must be kept in mind that at this time much of the state was still under Indian reservations, much was still virgin timber entirely uninhabited, and much was unfenced "cow-country." Thus the area where civil government must be maintained was considerably less than the 146,000 square miles included within the boundaries. Just how wild parts of the state were may be judged from the numerous complaints against predatory animals. A sheep owner in Rosebud County reported that he had lost 2,000 sheep during the winter largely due to the fact that coyotes and wolves were increasing. A man in Sweet Grass County said coyotes were so bold as to enter his corrals in search of sheep, and a Fergus County sheepman said they were getting worse all the time.

The functions of the state government were fairly well indicated by the list of appointive officers: a land agent, a registrar of state lands, a commissioner of the Bureau of Agriculture, Labor and Industry, a state examiner, a veterinary surgeon, an inspector and deputy of metal mines, a coal mine inspector, a boiler inspector and two assistants, a game and fish warden, a state engineer who was largely interested in irrigation works, a secretary and assistant for child welfare and animal protection, a state board of health, a board of pardons for the state penitentiary, a board for the insane asylum and a custodian at Fort Ellis and Fort Maginnis, and boards of horticulture, of charities and reform, of building and loan associations, of pharmacy, of medical examiners, of dental examiners, and of osteopathy.

The interest of the state in public education was shown by its maintenance of a state superintendent of public instruction who had oversight of the elementary and secondary education and a State Board of Education which guided the state superintendent in many matters as well as exercising a general oversight of the University system.

The state relied for revenue upon a levy of two and one-half mills on the general property as assessed by the county assessors, upon the income of state lands, and upon many occupational license taxes. These occupational taxes in 1906 paid a total of $668,595.96 into the state treasury, 80 per cent of which was derived from the liquor traffic, but practically no professional or mercantile vocation was without its assessment. The property tax yielded about the same amount while the total revenue from all sources was in 1908 $2,564,050.48. The expenditures for this year ran slightly above that figure but the surplus accumulated in previous years was sufficient to leave more than a half million dollar surplus over that for 1909.

The state institutions other than the University's four divisions were: the school for the deaf and blind at Boulder; the state orphanage at Twin Bridges; the soldiers' home at Columbia Falls; the reform school at Miles City; the insane asylum at Warm Springs; and the penitentiary at Deer Lodge.

At the election of November, 1908, the first Board of Railroad Commissioners was elected. This commission for the regulation of the railways consisted of three members, each of whom received $4,000 a year. This board was unique in two respects, it was the only state board whose members devoted their full time to the work of the board and it was the only elective board.

The county officials were three commissioners, a sheriff, an attorney, a judge, an assessor, a clerk and recorder, a treasurer, an auditor, and a superintendent of schools. The county had the care of its poor and the maintenance of the highways as well as the preservation of the peace.

Development of Northern Montana

From 1910 to 1917 Northern Montana saw the influx of many settlers along the Great Northern line. These people not only increased the populations of Great Falls, Havre and smaller towns but also formed numerous villages, while probably 80 per cent scattered themselves out in the open country, some far from the railroad lines.

The Chicago, Milwaukee and Saint Paul building across the central portion of the state reached Great Falls in 1913 after opening up to settlement thousands of acres of excellent farm and grazing lands in the Judith Basin and Mussellshell Valley. Near Great Falls the Sun River irrigation project was begun in 1913, which, when completed, made available 325,000 acres of land formerly in the Blackfoot Reservation which had been too dry to warrant farming investment in spite of the great fertility of its soil. Nestling as it did into the eastern side of the Rockies the rain-bearing clouds from the Pacific did not water this region effectively. But the bright clear skies made the irrigated field a delightful spot for a home.

Enormous water power, much developed and much more potential, immense coal fields, and excellent transportation facilities promised much for Great Falls as an industrial center. The steady expansion of the great copper refinery gave a permanent pay roll which stabilized the city's financial structure, while the large agricultural section tributary to it brought in wealth.

Fergus County, to the east of Great Falls, became known throughout the civilized world as the producers of the Yogo sapphires. The Yogo district in which these gems abound is a part of the Judith Basin, about fifty miles southeast of Great Falls. They are found in a dike of igneous rock cutting perpendicularly across the bedded Madison limestone formation. The gems range in color from a light blue to a rich corn-flower blue and in size from small crystal, useful for watch jewels, up to large crystals of five carats. The sapphire mines are in the hands of a foreign corporation which ships the stones directly to Europe for cutting.

The discovery of these sapphires was quite by chance. That the rocks of Montana east of the Missouri River bore sapphires had been discovered as early as 1873, and in 1891 several companies were formed to work the sands of the small creeks flowing out of the Belt range into the Missouri, from Canyon Ferry down stream to the American Bar. The production was sufficiently large to warrant the founding of the Helena Lapidary Company to handle the marketing. In 1895 a placer gold mining company spent $38,000 to build a ditch to carry the waters of Yogo Creek to a benchland lying to the east of this fork of the Judith River. The first season's cleanup yielded only $700 worth of gold, demonstrating that gold-washing would not pay here but many large blue stones were also left by the waters. Upon skilled examination these proved to be sapphires and it is said that Tiffany and Company paid $3,700 for a cigar box full of them.

In February, 1896, John Ettien discovered the matrix. The following year operations were enlarged and in sinking a 300-foot shaft masses of corundum were also discovered. In 1901 the New Mines Syndicate produced about 60,000 carats and the American Gem Mining Company about 50,000 carats of sapphires, thereby making the Montana production of precious stones larger than all the rest of the United States.

Great Falls is one of the most beautiful cities of the Northwest. Situated in the picturesque Missouri Valley near the mouth of the Sun River, it looks back to Paris Gibson as its founder. It owes its establishment primarily to the fact that near its site the Missouri River in a series of drops has an aggregate fall of 526 feet. The falls were given the names, Black Eagle, Rainbow, and Great Falls, by the Lewis and Clark Expedition which passed along its banks in 1805. This way also passed Captain Mullan in making his famous wagon road, and not far off was the Blackfoot Confederacy.

With the development of Montana in her later territorial days Paris Gibson and James J. Hill saw an opportunity for a great city. These men organized about 1884 the Great Falls Water Power and Townsite Company which became the owner of 12,000 acres in the region above the falls. A townsite of 3,500 acres was laid out with wide streets to be lined with grass plots and trees, and 700 acres were devoted to public parks. To furnish the trees for the beautification of the city a municipal nursery was created, and by 1913 76,000 trees had been furnished for the city's boulevard system.

In June, 1908, Mr. John D. Ryan of the Amalgamated Copper Company formed a syndicate in which Mr. John G. Morony and Mrs. Margaret P. Daly, the widow of the copper magnate, with himself held a great part of the stock. This syndicate bought the stock of the Great Falls Power and Townsite Company and set about making Great Falls an important manufacturing center. The building of the great dams and the construction of the enormous copper refinery which has been described in another chapter, soon made Great Falls the second city in Montana. Not only is it a banking and shipping center for a large and fertile farming community, and the largest copper refining center in the United States but it also has important manufactures of flour, furniture, wagons and woolen goods. Its population in 1920 was found to be 24,121 and in 1926 it claimed 30,000 inhabitants.

The opening of much of the Blackfoot Reservation to white settlement in 1913 opened up a large area tributary to Great Falls. Toole County was organized in 1914, with Shelby as county seat, from land once within the reservation. Within Toole County lies the Kevin-Sunburst oil field in which oil was first struck in commercial quantities in March, 1922. Glacier and Pondera counties, likewise once a part of this reservation, were created in 1919.

HAVRE, THIRTY YEARS AGO

Havre, which became the county seat of Hill County upon its organization in 1912, has the distinction of being the farthest north of any sizable town in the United States, outside of Alaska. Havre lies even farther north than Quebec and is so situated that in the winter time Arctic storms of great severity sweep suddenly down and force the temperature some times below minus 40° Fahrenheit. Notwithstanding these occasional low temperatures, this little city on the south bank of the Milk River is a delightful place to live.

The Town of Havre was developed by the building of the Saint Paul, Minneapolis and Manitoba Railway which connected with the Montana Central in 1887. In 1889 these lines with others owned by James J. Hill, were formed into the Great Northern Railway System. Construction was soon begun upon a line west from Havre through Spokane Falls to the Pacific and in 1893 Havre found itself at the junction of the Butte branch with the transcontinental line. General farming, stock raising, dairying, creameries and flour mills have added to the wealth of this region. Early in 1928, while drilling for oil at Kremlin, twenty miles west of Havre, a heavy flow of natural gas was opened.

Glacier National Park

The ruggedness of the region later set apart by the Federal Government and named Glacier National Park apparently prevented an early exploration. The first white man recorded as having visited this area was A. W. Tinkham, an engineer in the Stevens party of 1853, who explored Cut Bank Pass, mistaking it for Maria's Pass, and reported it impracticable for a railroad line.

The next explorers of the region were the surveyors who ran the Canadian boundary line in the summer of 1861 and erected thereon a monument marking the limits.

When prospectors began to suspect that the eastern slope of the Rockies, then a part of the Blackfoot Reservation, might contain valuable copper deposits, a clamor arose urging the Federal Government to open this area to miners and a bill was passed providing for its purchase from the tribe for the sum of $1,500,000. The treaty transferring the supposed mineral area was signed at Browning 26 September 1895 and quickly ratified by the Senate. It did not take long to satisfy the copper seekers that the veins which had been found at the heads of Quartz and Mineral creeks in 1890 did not run through the mountains.

Proposals were made as early at 1907, if not before, that this wilderness at the northern limits of the American Rockies be preserved as a public park for the pleasure and instruction of future generations. The existence of numerous glaciers, the spectacular and awesome rock formations, and the wild animals which tenanted the region all argued for the creation of Glacier National Park. Senator Joseph M. Dixon, accordingly, sponsored a bill to set apart about 1,400 square miles of territory nearly equally divided by the Continental Divide, bordered upon the north by the Canadian line, upon the east by the Blackfoot Reservation, upon the south by the Great Northern Railroad, and upon the west by the Flathead River. The passage of this act set apart Glacier National Park on 11 May 1910.

Seen from the east, the mountains present a sharp contrast to the plains, a steep rocky wall glistened in the sunlight apparently unbroken, and forbidding the traveller a further journey. Upon closer approach, it was observed that the wall was cut by long canyons, probably caused by the erosion of the waters from great glaciers.

In these canyons were, and are, roaring streams which drain precipitously from beautiful little lakes, formed from the slowly melting ice and snow. The steep sides of these rocky walls are covered with a growth of evergreen timber.

"The canyons at the head usually terminate in the great amphitheatres, rising cliff over cliff in a stairway of tremendous proportions, many steps of which retain an ice mass slowly flowing across it, each is fed from a large ice field above, until a region of huge snow banks is reached." (Robert H. Chapman, United States Geological Survey.)

The streams and lakes of the Park are filled with a variety of fish, over the rocks roam mountain sheep and goats, and in the wooded valleys elk, moose and deer feed. Throughout the Park, from the bare heights to the river bottoms the grizzly bear wanders. As in other parts of Montana, cougars, lynxes, wolves and coyotes are present. The beautiful lakes appear like turquoises set in the dark green of the surrounding forests. Lake McDonald has an elevation of 3,153 feet above sea level and is 387 feet deep, and above this silvery mirror rise several mountain peaks to heights above ten thousand feet, making an awe-inspiring spectacle.

By 1912 the Park was available to tourists. A road had been built from Belton to the foot of Lake McDonald on the western slope and trails led from this point to Avalanche and Trout lakes. Another favorite trip for mountain climbers was over the steep slope of Mount Brown to Sperry Glacier. The Great Northern Railway had good hotels at Belton and Midvale and three other resorts were in operation by individuals. During this year the Railway began its operation of a chain of chalets for the accommodation of tourists going from Lake McDonald to Midvale on horseback.

A wagon road from the railway station on the eastern side of the Park, Midvale, to Saint Mary's lakes, upper and lower, was built and was available by 1913. By this time the name of the postoffice Midvale was giving way to the name Glacier Park Station, and an automobile bus was running from this point to the camp at Saint Mary's lakes. From these lakes a four-horse stage carried passengers up to Many Glaciers Camp on Lake McDermott, a hair-raising trip for those not accustomed to mountain roads.

When the European war cut off foreign travel, the two big parks, Yellowstone and Glacier, enjoyed a large patronage. The latter, owing to its novelty, attracted many visitors during its short season. Many new trails had been opened, new chalets made longer trips into the interior possible, and the free advertisement of the Park by those who had seen its wonders stimulated travel.

Expansion of Western Montana

West of the Divide one finds two notable valleys, the southerly one being the valley of the Bitter Root River, the other being the region lying between Flathead Lake and the Clark's Fork of the Columbia. No more beautiful land than this can be found in all America. The bottom lands are rich alluvial deposits, fit for orchards and rootcrops while the uplands are heavily timbered.

When this region was politically a part of the Oregon Country no white man's government existed therein. In fact, the only whites were fur traders until Father DeSmet brought in Christian missionaries around whose settlements there gradually gathered a few white settlers. The famous Fort Owen lay in the Bitter Root Valley and was a stopping place for the few travelers in the region. Then gold was discovered not long prior to the Civil war

UPPER STILLWATER LAKE, BLACKFOOT NATIONAL FOREST on tributaries of Clark's Fork and during the war an influx of gold seekers rushed to the new "diggings." Naturally some of these turned to food production when it became evident that men could get richer feeding their fellows than in digging for gold, but potato digging, while more remunerative, was also more confining and less romantic.

In another portion of this History the treaties with the Indians have been described and the story of how the few remaining Selish and their neighbors had been placed on the Flathead Reservation. In the Treaty of 1855 the cession of land had reserved to the Selish, Kootenais, Kalispells and Pend d'Oreilles (pronounced Pon-de-ray) nearly two million acres to be held in a community. A change of federal policy expressed by the Dawes Act of 1887 led to the breaking up of this tract and its allotment in severalty to those Indians who would farm. As the tribes dwindled, the Federal Government whittled away the reservation, giving some to individual Indians, and much to the State of Montana for school purposes, but still reserving an abundance for the few Indians remaining.

BIRDSEYE VIEW OF KALISPELL

When it was decided to break up the reservation by partitioning it among the remaining Indians there were still more than a million acres to be divided. After making the apportionment, this territory in August 1909 was divided among homesteaders. Within or contiguous to the area thus thrown open there sprang up the towns of Polson, Ravalli, Ronan and others.

The northwestern part of Montana has been settled almost entirely since 1900. At that time it was divided into two counties, Flathead and Missoula jointly having a population of about 23,000. Sanders County, named for Wilbur Fisk Sanders, was created in 1906 from the western part of Missoula County with Thompson Falls as its county seat, a pleasant little town nestling in the valley of Clark's Fork. By 1910 the region, consisting now of three counties, had a population of 46,000.

The history of Kalispell, the county-seat of Flathead County, dates back to a community established prior to the formation of the county in 1893. One of its three banks, the First National, was founded in 1891, but the city was not incorporated until 1902. This pretty little town, situated eleven miles north of Somers which is at the northern extremity of Flathead Lake, has been for many years an important shipping point for lumber, wheat, and potatoes over the Great Northern line. In 1920 it was the home of 5,620 people.

At the opposite, or southern end of the beautiful lake the town of Polson was laid out in 1910 to form the terminus of a branch of the Northern Pacific railway coming up from its main line in the valley of Clark's Fork. By 1923, the population of the district about Polson was sufficiently large to be divided from Flathead County and erected into Lake County. When the Flathead Reservation had been opened to settlement the Federal Government thoughtfully reserved villa sites about Flathead Lake which were leased for summer homes to citizens.

South of Clark's Fork the county of Ravalli was separated from Missoula County in 1893 with Hamilton for its county seat; and farther up in the mountains Granite County was, at the same time, created from territory which had been in Deer Lodge County. Although Ravalli County possesses the finest orchard land in the State and produces an abundance of vegetables, grain and root crops as well as fruit, to say nothing of the great wealth of forest products, the population of these two counties has been practically stationary for the last thirty years.

Granite County, whose county seat is Phillipsburg, has a shorter growing season than its neighbor owing to its higher altitude. Hence its wealth is more increased by mining, but in the river valleys the soil is rich and deep. Sapphires, silver, manganese, gold, zinc, lead, copper and lignite coal are important products of the earth in this region.

Election of Woodrow Wilson

The election of 1912 was one of peculiar interest to Montana because for the first time one of its citizens became a national figure. Joseph M. Dixon, who had represented the state in the House for three terms and was then completing his first term of six years in the Senate, had bolted the Republican party with Mr. Roosevelt and had become his campaign manager.

The three-cornered campaign fought by Republicans, Democrats and Progressives was by far the liveliest since Bryan gave the conservatives of the country their great fright in 1896. The wise, conservative administration of Taft had not been accompanied by a publicity necessary to popularize it. The failure of the Commerce Court to handle the railroad problem, the failure of Canadian reciprocity in tariff making, and the passage of the Payne-Aldrich tariff (1909) had given the administration a "black eye." Then, too, the newspaper reporters, offended by the silent dignity of the President, developed in the people a longing for the return of a more exciting and active executive.

Robert M. LaFollette, one of the senators from Wisconsin, organized the insurgent members of the Republican party in 1911 to contest with the "Old Guard" the control of the party. These men called themselves Progressives to distinguish themselves from the Taft followers and to this more radical faction belonged the Montana senator, Joseph M. Dixon.

In February, 1912, Roosevelt's friends took advantage of LaFollette's apparently weak physical condition to transfer the leadership of this new movement to "Teddy," as he was affectionately known among his friends. The former popularity of Mr. Roosevelt was even increased at this time and when the Republicans, assembled at Chicago in June, refused to nominate him for the presidency his followers bolted the convention and called a meeting for the organization of a new party. Early in August they met in Chicago, formed the Progressive party and named Roosevelt and Hiram Johnson of California to head their ticket.

The platform of the Progressives was an odd combination of Socialism and Republicanism. It was admirable for the courage with which it cut itself off from the financial supporters of Republicanism and essayed an appeal to the common man, thus attacking the Democrats with their own weapons. A chance remark of Roosevelt's in response to an inquiry regarding his health that he felt "like a bull-moose" suggested an emblem for the new party and the attempt of an insane man to assassinate him while making a speech at Milwaukee detracted nothing from his popularity.

The campaign in Montana was vigorously waged by four politial parties, for, in the break up of the old alignments, the Socialists saw a chance to make a good showing even if they had no apparent chance of winning and nominated a full ticket. Montana had seen a considerable increase in population since the last quadrennial election and the interest of the campaign brought out an unusually large vote but when the votes were all counted it was found that the Democrats had elected their entire ticket with Sam V. Stewart, a new figure in politics, as governor.[2]

A surprisingly large Socialist vote was polled and apparently the Socialists and Progressives drew for support upon both the old parties. The votes for governor ran as follows:

Sam V. Stewart, Democrat, 25,381.
Harry L. Wilson, Republican, 22,950.
Frank J. Edwards, Progressive, 18,881.
Lewis J. Duncan, Socialist, 12,556.

Several important legislative measures were also before the voters in 1912. A proposal had been made by the preceding Legislature, to be laid before the voters in this election, to purchase from Messrs. Mitchell and Mussigbrod the property at the hospital for the insane at Warm Springs, and to make it a state institution. The expense of this transfer was to be met by a bond issue of $650,000. The approximate cost of the transaction had been determined by an appraisal committee of the Legislature. The hospital was well housed and situated in magnificent grounds close to the main road between Deer Lodge and Butte, which is to say that no more central location could have been obtained anywhere else in the state outside of Helena. And since Helena already had the capital, it would have been next to impossible to secure the popular sanction of another institution there. The proposal to "socialize" the hospital carried by a small majority.

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[2] Samuel Vernon Stewart was born in Ohio 2 August, 1872. He received his law degree from the University of Kansas, and began the practice of law at Virginia City in 1898. From county attorney of Madison County he rose to the chairmanship of the Democratic State Committee. He is a Baptist, Mason, Elk, Eagle and Woodman. After completing his governorship (1913-1921) he became a member of the law partnership of Stewart and Brown of Helena.

A decided majority appeared against the proposed repeal of the state militia bill. The approval of the direct primary bill was by a large majority, practically four to one, and a law enacting the prohibition of certain corrupt practices relating to elections received similar treatment. The direct and popular election of the President and senators received about the same affirmative support as the other measures. The weakest support of any of the proposed reforms was given to the measure for the enactment of the corrupt practices act but the strongest opposition appeared against the militia bill then on the statutes.

S. V. STEWART
Governor January 6, 1913, to January 2, 1921.

Economic Prosperity

About the beginning of Governor Stewart's administration the hard times gave way to better. The increase in the price of copper made that industry more prosperous, and while the cattle and sheep industries held steady, a rapid expansion of agriculture was opening up vast new fields. In 1912 the wheat acreage jumped from 600,000 acres to more than 1,000,000 under plow and the production of wheat increased from 8,885,000 bushels in 1910, to 14,935,000 bushels in 1911 and 26,000,000 bushels in 1914. The European war furnished an enlarged foreign market and even larger acreages and gross yields followed.

Unfortunately, the inflation of the wheat market led to the breaking up of land which might better have been left for grazing with a resultant lowering of the yield per acre. From 1894 to 1909 the average yield varied between twenty-four and thirty-two bushels per acre over the entire state, whereas from 1910 to 1916 the annual averages ran from fifteen to twenty-four bushels. Quality of land and amount of rainfall were the two important variable factors, practically no commercial fertilizer and very little barnyard manure was then being used in the state, and there was slight effort made to proportion live-stock production to grain production, or either to the amount of land held. Thus each crop of wheat taken off left the fertility of the state that much less, although large money returns indicated a great prosperity. Prior to 1920 Montana's largest wheat crop was harvested in 1915, 44,000,000 bushels, and her most valuable crop came the next year, when German victories at sea threatened the starvation of the British Isles and thereby raised the price of the grain to the hitherto unheard of price of $1.61 at the farm, a crop which had a total value on December 1 of over $60,000,000.

During this period of prosperity another industry arose in Montana which we shall next describe.

Coal, Oil and Natural Gas

Much of Montana is underlaid with coal and one-third of the total amount of lignite in the United States, as estimated by the Geological Survey, lies in the State of Montana. The coal reserves, including all kinds, semi-anthracite, bituminous, and lignite, have been estimated at 400,000,000,000 tons, or about 8 per cent of the total coal reserves in the world and about 11½ per cent of that in the United States.

The coal deposits are scattered through all parts of the state, in fact Professor Rowe, a geologist of the University of Montana, once made the statement that every county except Silver Bow, Sanders and Jefferson was underlaid with lignite, a brown, woody-looking substance of low heating value but a good fuel for producing gas. In the Powder River, Judith Basin, and Assiniboine regions are found very extensive deposits of sub-bituminous coal distinguished from lignite by having the black color of true coal but like lignite slacking readily. It is a clean domestic fuel and a good gas-maker. In the center of the state between Great Falls and Lewistown is a large area of high-grade bituminous coal, some of which will form coke. Small areas of this high-grade soft coal are also found near Townsend and Valier. A semi-anthracite vein is found on the western side of the Flathead coal region.

Coal mining on a large scale began in 1900 although coal was dug for local use prior to that time in several localities. Over a million and a half tons were produced in 1900 and production rose to four and a half million tons annually. Prior to that time, or to be exact, in 1887, the Rocky Fork Coal Company was organized to work in the coal fields near the present site of the Town of Red Lodge. The building of a spur into Red Lodge by the Northern Pacific, completed in June, 1889, enabled the coal company to distribute its product over a large area.

Another Montana coal field was opened by the construction of the Chicago, Milwaukee and Saint Paul into the region which later became Mussellshell County. Coal mining was begun near Roundup about 1907.

Not long thereafter, about 1913, the Northern Pacific Railway made a scientific examination of the large sub-bituminous coal deposit underlying nearly 700 square miles of Central Montana. The full thickness of this deposit was found to be twenty-eight feet and their geologists estimated it to contain at least 6,000,000,000 tons. This coal is known as the Rosebud vein. An area of fifteen square miles on the northerly edge was found to contain another 90,000,000 tons of coal at a depth of a hundred feet. The fact that this large coal area could be worked by power shovels in open pits reduced the estimated cost of the Rosebud coal so far below the expense of mining the Red Lodge coal that, in 1923, the company built a track into the field, let the contract for digging to Foley Brothers of Minneapolis and by 1925 were getting coal at the cost of power shovel operations rather than underground pick and shovel work. Instead of eight to ten tons of coal per man, this method of operation produced fifty tons per man employed, daily.

GYPSUM PRODUCTS PLANT NEAR LEWISTOWN

This mineral, which is found in seven Montana counties, is used for making wall plaster, gypsum plaster board, tile and brick, fertilizer, base for plants and a score of other purposes.

A town named Coalstrip was built for the accommodation of the employees, and instead of being the usual dingy little coal-mining town was a model of sanitation and attractiveness. One of the reasons for this difference lay in the fact that all the operations were carried on by electricity, not only reducing fire hazard but lessening the cost of production.

For many years, thousands of acres of land in Montana, which were believed by the Government to be valuable for coal, oil or phosphate, were withdrawn from entry. On being opened to entry and development under the terms of the coal and oil leasing act, Congress provided that the title of the land should remain in the Government. No one leased tract may contain more than 2,560 acres and these leases must be awarded by competitive bidding. Railroads are forbidden to lease coal mines except where a company desires to produce coal for its own use. This provision was made in order to prevent the recurrence in Montana of what happened to the anthracite coal fields when the Pennsylvania Railroad secured the monopoly of that industry. When the Government asks for bids on the leasing of coal bids, it announces the royalty that will be charged for the leases. This royalty may not be less than 5 cents a ton and in addition to this payment a rental of $1 an acre must be paid. The leases are for indeterminate periods and the mines when so leased must be worked diligently and continuously.

The development of the automobile led to a great increase in the consumption of petroleum products in all parts of the world and many oil prospectors were busy searching for new areas to be tapped. Although it was known several years earlier that oil lay beneath the surface of Montana, the first strike of oil in commercial quantities was in 1915. This strike occurred in what has been called the Elk Basin, a region lying partly in Carbon County, Montana, and Park County, Wyoming.

The Elk Basin discovery stimulated search in other parts of the state and four years later, in November, 1919, the Devil's Basin in Musselshell County produced a heavy oil in commercial quantities. Most of this oil is hauled to Roundup in tank wagons and from that point shipped to Butte for fuel.

The first great Montana oil field was opened in the Mosby Dome at Cat Creek in Petroleum County, east of Winnett, in 1920. By 1928 this field was delivering 3,000 barrels daily through pipe lines running into Winnett where it was shipped east for refining. The oil strikes around Winnett brought that little town the same social conditions as marked the early mining camps; rough laborers from all parts of the United States, mostly men without family ties, gathered here, labored hard and spent their hard-earned wages in carousal. The arid country afforded no water supply and this necessity had to be brought great distances in tanks and barrels. Altogether, Winnett in the early oil days was not a fascinating place for a home.

The Soap Creek Dome in Big Horn County yielded 14,000 barrels in 1921 and 27,000 barrels the following year but thereafter its five wells were shut down because the oil could not pay its transportation charges. Several other domes have been discovered in the Crow Reservation.

In March, 1922, a much more important strike was made in Toole County in what became known as the Kevin-Sunburst field. Shelby became the center of this activity and the quiet little farming town was soon transferred into a lively oil-town. Here was fought in June, 1923, the notorious Dempsey-Gibbons prize fight, much to the demoralization of the community by attracting to it a number of undesirable characters.

The Lake Basin field in Stillwater County proved to be a "winner" in May, 1924, and three years later the Pondera-Teton field yielded oil before the drilling was 2,000 feet deep. From 1921, the beginning of commercial oil production in Montana, to 1927 more than 25,000,000 barrels of oil had been produced, valued at $36,500,000.

HYDRAULIC MINING

Extensively employed in developing Last Chance Gulch in the sixties.

Oil refineries were built at Lewistown in 1921, greatly aiding that town which had been hard hit by the agricultural depression a few years before. Shortly thereafter other refineries were built until in 1927 the Montana refineries could handle 25,000 barrels a day. Refineries had at that time been built at Kevin, Butte, Lewistown, Hedgesville, Missoula, Sunburst, Havre, Kalispell, Great Falls, Roundup, Shelby, and Miles City. In the year 1926 76 per cent of the 48,000,000 gallons of gasoline consumed in Montana was manufactured within the state. All these refineries separated the gasoline, kerosene and fuel oil by the skimming process and no attempt was made to manufacture lubricating oils.

The use of natural gas began in Glendive in 1913. The residents of Baker, in Fallon County, began to use this fuel about the same time and the plant of the Carbon Black Company has used 4,000,000 cubic feet a day for the thirteen years preceding 1928. Carbon black is used in printer's ink, automobile tires and for many other purposes. At Glendive in 1926, natural gas began to be used in the power plant of the Montana-Dakota Power Company, and shortly thereafter several towns in Eastern Montana and Western South Dakota were enjoying the use of natural gas.

In the northern part of the state, Havre, Shelby and Great Falls were using this fuel, and it was estimated by a competent geologist, Mr. G. G. Howard, that there was sufficient natural gas in Northern Montana to supply the needs of several generations.

The development of the oil fields had several sociological implications; it did not add wealth to the state without exacting a price. As has been pointed out, the industry brought with it a large crowd of men, many of whom were undesirable citizens, but some of whom brought families for which school privileges had to be provided in regions formerly without a school population. It brought a political readjustment by creating Petroleum County in 1925 from the eastern end of Fergus County, and although its population was only 2,000 by 1928, it sent a senator and a representative to the State Legislature. Almost as soon as the oil industry was begun in the state instead of being fostered by subsidies as are other "infant" industries in other jurisdictions, the state very properly laid a license tax upon oil production in addition to the oil royalty exacted by the Federal Government for oil removed from Federal lands. These taxes are not to be confused with the gasoline consumption tax.

The Era of Political Reform

After the second defeat of Mr. Bryan in 1900, there was throughout the country a slight abatement of desire for political reform, doubtless due to the temporary exhaustion of the reforming element. But this element soon rallied and became very active, particularly in the western states in the advocacy of several political and economic measures, all of which were in the direction of an increased control of the government by the voters and of economic enterprises by the Government.

The successful agitation for the initiative and referendum, typical of this age of reform, has already been described, and in the chapter on Copper Mining the epoch-making passage of the workmen's compensation act of 1915 has been reported. The discussion of the war on alcoholic liquors will be postponed a few pages in order to delineate certain other conditions before attempting to tell this story.

During the period from 1912 to 1920 several other important political changes, however, remain to be chronicled. The Legislature of 1913 expanded the duties of the Railroad Commission by making it also the Public Service Commission and under this title broadening its functions to include the supervision of private and municipal heat, street railway, light, power, water, sewerage, telegraph and telephone service. They were instructed to regulate services and rates, value property, and establish uniform systems of accounting but had no authority over financing, other than determining the rates to be charged for service.

In an endeavor to make the tax assessments more nearly uniform among the counties, a State Tax Commission was created. This body was composed of four of the constitutional state officials with a fifth, the state tax commissioner, added to do the routine work. In making appraisals of property to determine fair taxable-values this official was assisted by three citizens in each county, but this arrangement did not displace the county boards of tax equalization; it was intended to supplement and cooperate with the already established agencies.

In an effort to purify elections the old Corrupt Practices Act of the Code of 1895 was amended, direct primaries were ordered, and publicity pamphlets similar to those already in use in Oregon were provided for. An attempt was also made to regulate campaign expenditures.

Prison "reform" also found a hearing before the Legislature. One of the most difficult problems facing civilized man has been the question of what was best to do with criminals. Should society attempt to eliminate the criminal element of the population by numerous capital punishments and long-term prison sentences; should criminals be terrorized by the cruelty of punishments; or should effort be made to "tame by kindness"? Several theories of the cause of crime and of the desirable form of punishment have been put forward and this is not the place to recapitulate them. Let it, then, be sufficient to say that the Montana Legislatures have been pretty thoroughly convinced that the proper treatment of criminals was to make an effort at reforming them. Contracting the labor of prisoners was forbidden, although they might be employed on public works. An indeterminate sentence law was passed; and a parole commissioner was appointed to work with the warden of the state prison and the superintendent of the reform school. Prisoners who behaved themselves while in duress might hope for an early release on parole, thus making prison discipline much easier at the expense of the public which had to suffer the repeated incursions of criminals than the sentence imposed had indicated.[3] The cattlemen were vociferous in their complaints that this law exposed them to an endless effort to keep their property from being driven away. Even if cattle thieves were caught, good behavior while incarcerated would speedily win their release and give them another opportunity to enrich themselves by their parasitic livelihood, the previous experience merely having sharpened their wits.

During the session of 1913 one of the measures so long expected came to full fruition. For years Montana had hoped for popular election of United States senators, and had evidenced this hope by several petitions to Congress. Now the Legislature on behalf of the sovereign State of Montana had the privilege of being one of those states ratifying an amendment to the Federal Constitution providing for the popular election of these senators.

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[3] A particularly flagrant abuse of this law occurred when a certain man of unsavory reputation was found guilty of manslaughter committed while intoxicated. His light sentence of six months to one year was reduced to three months by good behavior and this three months was spent at light labor outside the prison walls.

Another movement in the direction of a wider participation of the whole population in government came in Montana when in 1914 the men gallantly agreed to divide their political power with the women. By a vote of 41,302 favoring to 37,558 opposing, the suffrage was extended to women. This movement had begun in Wyoming in 1869. Colorado in 1893 was the next state to adopt the plan, then followed Idaho and Utah in 1896; Washington waited until 1910; in the wave of liberalism which swept the country, all the Mountain and Pacific states, except New Mexico, had granted woman suffrage prior to 1915. By that time all these states, except New Mexico and Utah, had a direct primary law, and all except Wyoming had provided for initiative and referendum measures.

In accord with this movement toward according women larger rights and duties it was provided that neither husband nor wife should longer be answerable for the acts of the partner, nor liable for debts incurred by the other except that expenses for the necessaries of the family and the education of the children were chargeable upon the property of both husband and wife or either of them. The duty of supporting husband and wife was made mutual. In fact, the only public or private duties from which women were exempt were military and jury service.

In view of the foregoing it is not surprising that Montana should have been the first state to send a woman to Congress. In the congressional election of 1916, Miss Jeannette Rankin, a resident of Missoula, was elected on the Republican ticket. She was well known throughout the state as an advocate of woman suffrage, having been a field secretary of the National American Woman Suffrage Association. Prior to serving in Congress, Miss Rankin had, in 1915, visited New Zealand where she worked as a seamstress while studying the industrial condition of women in that country.

Montana during this period of reform also exhibited an increased care for its children. A Child Welfare Commission was named by Governor Stewart and a law was passed granting public aid for mothers who needed financial assistance in the care of their children. The name of the reform school was changed to the Montana State Industrial School, and a few years later a similar school for girls of from eight to twenty-one years, was established at Helena under the name of the State Vocational School for Girls.

The War Against the German Empire

Much of the story of how Montana was affected by European conditions has already been told in the chapter on Copper Mining, for that industry was strongly influenced by the war, but several matters of general interest remain to be discussed.[4]

Montana men had been serving the Federal Government in defending the Mexican border during 1916 and thus had "smelt powder" and learned actual camp practice before the quarrel with the German Empire over the abuse of submarines led to the declaration of war and the passage of the Selective Service Act of 18 May, 1917, whereby all men between the ages of twenty-one to thirty-five were required to register in order that they might be classified as to their fitness for military service.

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[4] See also the chapter XXV, "Military History of Montana," by Charles L. Sheridan, adjutant general of Montana, in Stout's *History of Montana*, 1921.

Prior to this registration for conscription thousands of Montanans had voluntarily entered the various branches of military or naval service. The National Guard of Montana was sworn into Federal service on April 7, with 1,539 officers and men. Others joined the navy or the marine corps. Medical men were much in demand as army surgeons or sanitary officers. Skilled mechanics of all kinds were required, for a modern army uses innumerable mechanical devices.

When the time for recruiting the conscript army arrived, Montana was called upon to furnish a fighting force based upon an estimated population of 952,474 which was almost a hundred per cent exaggeration for the census of 1920 found only 548,889. In spite of that high requirement the state sent into the army and navy a grand total of 41,133, exceeding by 25 per cent its percentage of quota, the highest of all the states in the Union. Montana was not as fortunate as some other states in having a training cantonment within her borders. Where men were in training close to their homes, they were given leaves of absence to visit their people but this kindness was not for the Montana boys who were sent to Camp Lewis, a cantonment in the State of Washington, a thousand miles away.

Montana troops were sent abroad and used as replacement troops for other regiments so that no regimental history is possible. Several fell at the battle of Cantigny, many fell in defense of Paris at the Marne, and others at Saint Quentin. Very many fell in the Argonne. Probably the first Montana boy to lose his life in this war was Elmer L. Cowan of Victor, who went down with the *Tuscania*. In all, the Montana casualties were: 681 killed or died of wounds, 253 died from other causes, 2,469 wounded, and one missing. This was the largest per capita loss of any state in the Union.

The Years of the Drought

During the years from 1917 to 1921 Montana experienced a slightly sub-normal rainfall which is often referred to as the time of the drought. An examination of the official weather statistics and other facts bearing upon the situation leads one to the inevitable conclusion that many other conditions were equally to blame and that the rainfall had comparatively little to do with the difficulty. Parts of Montana certainly suffered severely from drought during this time but, on the other hand, they were parts where the grazing lands should have been left unbroken. The suffering was largely in these parts where water was relatively scanty at all times but exceptionally heavy rainfalls during 1915 and 1916 and high prices for wheat led men to take great risks.

One year of comparatively dry growing season would not have been so hard to bear but when the seasons continued dry for several years, gophers and grasshoppers increased rapidly and destroyed much grain that would have survived the dry weather. Another affliction in Eastern Montana was the hail which was likely to beat down the standing grain just at the time when it was awaiting the threshing crew.[5]

Hundreds of men became discouraged or were forced to leave Montana by lack of capital. All over the wheat growing portion of the state, the traveler in 1921 saw farm houses with their windows broken out, doors hanging by one hinge or standing ajar, fences down and expensive agricultural machinery standing exposed to the weather, whose occupats and owners had abandoned everything they could not carry in their Fords.

Bankers who let their compassion get the better of their business sense loaned their hard-stricken communities the depositors' money and money borrowed from banks in other localities until the inevitable ruin was spread to many men who never owned a bushel of wheat in their lives.

But in general this liquidating process had some beneficial results. It crowded men off ground which should never have been broken and it forced Montana bankers to more conservative (and therefore safer for their depositors) standards. An interesting by-product of these sad conditions was the stimulus given to turkey-raising. Dry weather is good for grasshoppers and young turkeys, and grasshoppers are also fine fatteners for these birds. Consequently, Montana farmers found that if they could not raise sufficient wheat in dry years to make a living, raising a flock of turkeys would help to keep their families alive. In 1920 Montana had less than 30,000 turkeys; seven years later there were more than 150,000. It was common practice for producers of the smaller flocks to pool their years' increase of turkeys and ship a carload or two to the market, and soon Montana turkeys were bringing a premium. Many Montana restaurants serve turkey the year round.

During these dry years forest fires were great destroyers of property and menaces to the settlements built in the forested areas. In 1917 at one time during the summer 2,000 men were fighting fires. In 1919, the Montana Council for Defense besought the Secretary of War to send troops to fight forest fires and in that year the Federal Government spent $3,000,000 in extinguishing fires, principally in Montana and Idaho, where as many as 5,000 men were employed for several weeks. In these states more than a million acres of Federal land and 400,000 acres of private land were burned over. The patrol of forests by airplanes dates from this time, and in an endeavor to prevent fires, Montana refused to allow burning of forest refuse without a permit.

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[5] The following table showing rainfall and yield will illustrate a lack of proportion:

	Inches of rainfall	Average yield per acre	Value of wheat crop
1914	15.06	16.8	$24,407,000
1916	18.72	15.4	60,587,000
1918	13.78	9.5	64,728,000
1919	11.14	2.7	23,239,000
1920	14.59	10.3	36,723,000

1914 and 1920 were fairly normal years of rainfall.

The problem of finding winter feed for livestock was most serious in 1919-20, although livestock in Montana was in better shape than in Texas. To assist with this difficulty the Federal Railroad Administration reduced transportation rates on cattle shipped out of the state for feeding and later to be returned, also on feed shipped to Montana.

The season of 1920 enjoyed a rainfall which was very slightly under the average, with increasing moisture each year up to and including 1923; and during this time the average yields per acre showed a corresponding increase. Copper too improved in price, bringing prosperity again to the city-dwelling workers. The drought taught Montana a hard lesson and it is unlikely that the state will ever again suffer as it then did.

After the drought era the interest of the state naturally turned to other subjects, chiefly political and social, among which was an interesting innovation in government, namely the consolidation of municipal and county government in Butte.

Consolidating Butte and Silver Bow

Because the City of Butte held practically all the population of Silver Bow County it had seemed for some years to be reasonable to consolidate the two governments. Of course the city of Butte might have surrendered its charter and been content with county government as Helena had been for the first twenty years of its existence, but this was not what was wanted. The City of Butte desired to make its municipal government coterminous with the boundaries of Silver Bow County.

Dr. A. R. Hatton, professor of political science at Western Reserve University and author of the celebrated Cleveland, Ohio, "home rule" charter, and Edward B. Howell, a municipal consultant, were asked to advise regarding the necessary steps to set up a more economical and efficient government. Ninety-seven per cent of Silver Bow's population was already under Butte's municipal government and the things sought were the elimination of the county government with its duplication of machinery and the establishment of a managerial type of city government wherein "politics" would be abolished.

The Butte Chamber of Commerce kept the matter before the public for three years and in the fall elections of 1922 got an amendment to the State Constitution adopted whereby the Legislature might, if desired by the population concerned, abolish a city government "and unite, consolidate or merge cities and towns and county under one municipal government."

Doctor Hatton drew up a plan whereby the voters within the consolidated governments would elect a board of commissioners who would in turn appoint a county manager. This manager would select heads and assistants of the several departments of finance, police, public works, health, fire protection, and law. Any of the appointive officers could be removed from office at any time by the men who appointed them and the electorate would have the commissioners under control at all times by a recall provision. Montana was the first state to provide such a county government. For this beautiful arrangement, widely heralded over the United

States as the dawn of a new era of righteousness in county government, there was only one difficulty,—the people of Butte for whom it was intended refused to adopt it. Of course the way remained open for other elections to adopt the measure but such a proposal once defeated is hard to revive.

Other Political Issues of 1922

The election of 1922 was chiefly important in Montana for the election of two very progressive Democratic cogressmen. Burton K. Wheeler, who had opposed Mr. Dixon in 1920 for the governorship, and was then regarded as a dangerous radical because of his affiliation with the Non-Partisan League as well as because of the fact that he had refused during the war to prosecute certain men for "seditious utterances," easily won the seat in the Senate to be vacated by Mr. Henry L. Myers. "Mr. Wheeler," said a Missoula journalist, "goes to Washington with the confidence of the people of Montana. His outstanding ability, his courage, his level-headedness, and his consistent record of loyalty to the working classes have gained him the trust of his constituents. He has a fine appearance, a strong personality, and unquestioned charm."

JOS. M. DIXON
Governor January 3, 1921, to January 4, 1925.

Mr. John M. Evans, who was sent to the House of Representatives, made his campaign solely on two points: a constitutional amendment providing for a referendum before war may be declared; and international disarmament. He had in earlier days, while serving in several offices, proved to be a capable public servant and was well fitted by experience to know what the people wanted and how to get it for them if it were possible.[6] Mr. Evans probably knew that Senator Ladd had already, 25 July, 1921, proposed in the Senate and Representative Voigt in the House, 24 June, 1922, an amendment requiring such a referendum and that the committees of those bodies were not likely to let the question ever get as far as the floor for discussion. But if it ever did, the people of Montana could depend upon Mr. Evans to defend the measure as he had promised.

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[6] John Morgan Evans was born at Sedalia, Missouri, 7 January, 1863. He attended West Point Military Academy and graduated from the University of Missouri. He was admitted to the Montana bar in 1888 and spent much of his time since then in the public service. He was judge of the Missoula Police Court from 1889 to 1894; then was registrar of the United States Land Office from that time until 1898; mayor of Missoula in 1911 and 1912. He served in Congress from 1913 to 1921, and from 1923 to the present (1929). He is a Freemason, member of Sigma Nu, and Knights of Pythias in which fraternity he has held high offices.

Mr. Scott Leavitt, the Republican representative to Congress elected at this time, was a new congressman although not new to the Federal service. Born in Antrim County, Michigan, he early emigrated to Oregon where, while he was homesteading and teaching, he entered the Forestry Service of the Federal Government. Thus he came to Montana having been made supervisor of the Lewis and Clark National Forest. During the war he was director of both the Public Service Reserve and the War Emergency Employment Service. Mr. Leavitt continued to serve Montana as a representative to Congress for several Congresses. He is at present (1929) still serving.

J. E. ERICKSON
Governor January 5, 1925.

The Campaign of 1924

The campaign of 1924 was chiefly interesting in Montana because of the initiative measure relating to the gross profits tax on metal mines which has been discussed in the chapter on copper mining.

The presidential campaign did not develop a great deal of interest, for the election of Coolidge was a foregone conclusion since so many federal office holders in Montana were dependent for their jobs upon his reelection and because the opposition was divided between the very conservative Democrats' candidate, John William Davis, of West Virginia, who had well served his country as ambassador to Great Britain for 1918 to 1921, and the very radical Robert Marion LaFollette, the well-known Progressive leader. Although the old Progressive party which had failed to elect Roosevelt in 1912 had fallen to pieces, the candidacy of Mr. LaFollette was supported by many forward-looking men who did not profess to belong either to the Farmer-Labor or the Socialist parties by whom he was nominated. The three platforms raised no important distinctions to divide the electorate so traditional politics determined most of the voting. When the votes were counted there were 74,138 for Mr. Coolidge, 33,805 for Mr. Davis, and 61,105 for Senator LaFollette.

The state election was similarly lacking in keen interest. The large Scandinavian element in the state was well represented by a stalwart gentleman from Kalispell, a lawyer who had done public service as judge of the Eleventh Judicial District of Montana, Mr. John E. Erickson. The Republicans naturally, nominated Governor Dixon to succeed himself, and although Mr. Dixon was supposed to have the support of the progressive element as well as the more conservative members of his party, the votes which went for LaFollette for President were apparently cast for Erickson for governor. The failure of Mr. Dixon's administration to reduce expenditures sufficiently to show a goodly reduction in the floating debt of the state government and his ill-advised attempt to change items in an appropriation bill which cost the state an extra session of the Legislature were doubtless among the weightier reasons for his repudiation. He was the first governor of the State of Montana who ran for a second term to be denied a second term.

A Notable Scientific Achievement

The increased mortality from an unstudied fever of the Rocky Mountain states brought forcibly to the attention of scientific men the necessity for a careful investigation. The early emigrants along the Oregon Trail had found themselves attacked by what was variously known as trail typhus, mountain fever, and mountain typhus when they approached the Sweetwater River, but no effort was made to study this disease. In 1889 Dr. E. E. Maxey wrote in the Portland, Oregon, *Medical Sentinel* of "an independent specific disease related in no way to any disease described in our textbook or practice," but apparently nothing was done at this time to study the problem.

Drs. L. B. Wilson and W. M. Chowning in 1903 first suggested that the woodtick (*Dermacentor venustis*) might be the means by which man became infected with the Rocky Mountain spotted fever as the strange malady came to be called. Then three years later Dr. H. T. Ricketts, working under the auspices of the Montana State Board of Health, showed by experiment that the tick was the transmitter of the disease. In 1908 Doctor Maxey made an extended and valuable study of the disease in Idaho.

The first official record of deaths from this disease in Oregon were two in 1904, but this late date is undoubtedly due to the fact that death records were not previously required by law. The earliest authentic records of spotted fever had been made in 1870 in Idaho, three years later in Montana and seven years later in Wyoming. Later authenticated reports indicated the existence of the disease in all the Rocky Mountain states and as far north as British Columbia.

Both man and domestic animals were subject to a form of paralysis called tick-paralysis caused by the wood-tick, a disease which was fairly well distributed throughout the Northwest, as well as the spotted fever attributed to this parasite. In addition, their bites often caused septic ulcers, and in 1923 it was conclusively proved that tularaemia in man, beast and fowl was spread by the ticks.

Wood-ticks must not be confused with the so-called sheep-tick. The latter is an insect of the order Diptera, while wood-ticks are not insects at all but Arachnidae, of the family which includes spiders, mites, and scorpions. Both, however, are blood-sucking parasites.

"The spotted fever tick may be considered as normally occupying two years in completing its life cycle. The adult ticks, male and female, are found from March until early in July. After hot weather comes on, they normally descend to the earth, if they have not had an opportunity to feed, and the tick season is thus closed by the coming of hot, dry weather. The adult ticks feed in nature on a list of the larger domestic animals, including horses, cows, and sheep, mainly, but also upon the mule, ass, dog, hog, and goat. Among wild animals they feed commonly upon the bear, deer, mountain goat, coyote, woodchuck, wildcat, badger, and rabbits. They insert their mouth parts into the animal and draw blood, gradually increasing in size, in case of the female, until one is as large as the end of the little finger; but in case of the male, becoming little larger by feeding. Copulation takes place on the host-animal, one male often impregnating several females. Upon becoming fully engorged the female tick drops to the ground and seeks seclusion under some stone, chip, or waste, and deposits from 3,000 to nearly 8,000 eggs. There is considerable variation in the time required for engorgement. About twelve days may be taken as the normal period. The length of time required for the hatching of the eggs depends somewhat upon temperature and varies between seventeen and fifty-one days. About four weeks may be taken as the normal period.

"The eggs hatch into what are called 'seeds' or larvae. These are minute six legged creatures, which hover together more or less, crawl upon the grass and wait for small rodents to pass within reach. When brushed by these rodents they scatter out on the fur and crawl into the skin, attach, and feed for from three to eight days. About six days is the normal period. The engorged seeds drop to the ground, seek seclusion, and go through a sort of transformation, remaining quiescent for from one to three weeks, when they emerge or molt from the larval skins, appears as middle-sized ticks, or nymphs, which have four pair of legs, as do the adults. This stage in their development is reached during the first season, in the middle and latter part of the summer. These nymphs remain in hiding through the fall and winter and come up the next spring, hungry, and in search of a host. The hosts of both seeds and nymphs are the same list of rodents, which includes the ground-squirrel, chipmunk, pine squirrel, pika, mice of various kinds, pocket gopher and the side-striped squirrel. Not much discrimination is exercised by these early stages of the tick in selecting a host. The hosts used are probably those most available. Just about a week is required for nymphal feeding. After feeding on these various rodents, and having become engorged, the nymphs drop to the ground and go through their metamorphosis, and emerge from the nymphal skins as adult ticks, either male or female. The ticks appear as adults through the summer and early fall months. The quiescent period is variable with temperature, but occupies from six to ten weeks ordinarily. The adult ticks then come up for feeding next spring, thus completing a two-year period."[7]

On 2 March, 1911, the Montana Legislature appropriated $5,000 a year for the next biennium to be used by the State Board of Health for investigating "the nature, source, and vehicle of the disease known as Rocky Mountain spotted fever." This study resulted in the organization of a Board of Entomology in 1913, consisting of Dr. W. F. Cogswell, secretary of the State Board of Health, Dr. W. J. Butler, state veterinarian, and Prof. R. A. Cooley, the state entomologist, which was charged with the duty of investigating the spread of insect-borne diseases of men and animals. Dr. R. R. Parker was employed by the board to continue the study already begun and valuable work was done by him.

A sharp increase, however, in the number of cases of fever in 1921 and the spread of the disease toward centers of larger population led the board to ask further aid of the United States Public Health Service which had formerly sent investigators to Montana but had discontinued its work in this field during the war. In response to this call Dr. R. R. Spencer was sent to cooperate with Doctor Parker and the salary of the latter was assumed by the Federal agency. As a result of this cooperation between the state and Federal governments, Surgeon-General Hugh S. Cumming established a field laboratory near Hamilton and secured financial aid from the Rockefeller Institute for Medical Research.

In this laboratory Spencer and Parker about 1925 developed a vaccine to be used where illness threatened from the bite of ticks. It was found to be very valuable as a preventative, but of no value in the treatment of the disease. It is expensive and of special value in immunizing laboratory and field workers.

A better means of control was discovered by the efforts of several investigators both in America and France, namely, an attack upon the ticks themselves by means of parasites which would destroy them. Dr. L. O. Howard first described a Texas species in 1908, and the Hamilton laboratory studied the possibilities of this form of attack, following the example of Hawaii in destroying insect pests by parasites. In 1912 the French entomologist R. du Buysson described another parasite discovered by his eminent colleague Ernest Brumpt. As a result of these and other studies the Hamilton laboratory liberated more than 300,000 tick parasites of the French type in Montana during 1928, "a tiny wasp-like insect about a sixteenth of an inch in length. The mature parasite does not sting or bite and is harmless to man or beast."

These researches have been costly in human life and have called forth a heroism greater than that demanded by military warfare. Dr. H. T. Ricketts, an early investigator, and Dr. Thomas B. McClintic of the Federal Public Service, both died as a result of infection received while studying. In 1919 Dr. Arthur McCray, director of laboratories of the State Board of Health, died of accidental infection while working on spotted fever research. George Henry Cowan and Roy Kerlee, laymen in the employ of the Board of Entomology, likewise sacrificed their lives in this pursuit. Under date of 15 December, 1926, the state entomologist, Mr. R. A. Cooley, reported that since the fall of 1921 eleven out of the sixteen employees of the laboratory had been infected, five with spotted fever and six with tularaemia (Kerlee's death came later and is not included). Two of these spotted fever patients died, making a total of five deaths in the laboratory staff from spotted fever since the investigations began, but the other three were saved by the Spencer-Parker vaccine.

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[7] Bulletin of the Montana State Board of Health, Special Bulletin No. 26, Rocky Mountain Spotted Fever. June, 1923, Helena, Montana, page 13.

In an effort to control the spread of ticks the Legislature of 1919 conferred authority upon the Board of Entomology to establish control districts wherein they might require the owners of land to exterminate all rodents, or to do the work themselves and tax the cost to the owner. This step was indicated by the large number of ground squirrels (gophers) and rabbits which were hosts to the ticks. This legislation was not successful, for some owners preferred to do the exterminating themselves and did not do it thoroughly, being too economical of the poison. Hence the Legislature of 1923 (see chapter 24) authorized the county commissioners to levy a tax for money to be used solely for the destruction of rodents which might be infested with ticks.

By a combination of these various methods it is hoped that spotted fever may soon become a rare disease in Montana.[8]

The Earthquake of 1925

Montana, prior to 1925, had never experienced an earthquake severe enough to record, but early in the evening of the 27th of June, 1925, a severe tremor startled the people of Central and Western Montana. No lives were lost, but the property damage was reported to be a half million dollars. Trains were hemmed in by rock slides and furnished much excitement for their passengers. Several after-shocks were felt two days later, also on July 10 and on July 20.

On August 12 and 29 faint movements were felt and these slighter settlements of the crust continued into November. The tremors of June 27 were thought to center near Three Forks and were apparently not connected with any wide area, being confined within a radius of perhaps 300 miles along the eastern slope of the Rockies. But those of two days later, June 29, may have been connected with a severe disaster which occurred simultaneously at Santa Barbara, California, where much greater damage was done and ten persons were killed by falling buildings.

Modern science has not advanced to the point where earthquakes can be predicted for any specific area. Earthquakes are said to be due either to volcanic activity or the slipping of layers of the earth's crust and after such a slipping has occurred there are apt to be several lesser shocks followed by a long period of freedom from such disturbances. The Montana earthquakes were clearly caused by the latter factor.

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[8] On this subject see Bulletin 26 of the Montana State Board of Health, June, 1923; biennial reports of the State Board of Entomology, and especially the Seventh Report at pages 58-62 for list of references on the tick and spotted fever.

The Growth and Decline of Prohibition Sentiment

The Territory and State of Montana gave the regulation of the liquor traffic a long and patient trial before adopting the radical step of a complete abatement of the saloon. The Indian reservations which at one time covered more than half the area of Montana were from their inception completely "dry," and an early county local option law had enabled the counties to determine each for itself whether or not it would outlaw the traffic. In spite of the opposition of the copper operators to the sale of alcoholic stimulants, owing to the increased risk of accident, the cities of Butte and Great Falls were "wet," as was also the capital.

In an effort to check the saloon the Legislature in 1911 adopted a law limiting the number of saloons that might be licensed to one saloon for every 500 inhabitants, a process which would apparently favor the liquor dealers by lessening competition rather than reduce the amount of liquor sold.

Four years later another law attempted to regulate the sale of liquor to habitual drunkards; previous legislation having already forbidden the sale of liquor, wine, and beer to children.

Then came the workmen's compensation act, throwing the financial burden of industrial accidents upon the employers and thus total prohibition of the liquor traffic became a foregone conclusion. In 1916 it was voted that Montana should become "dry" on 1 January, 1919.

By this time twenty-three states were wholly dry and the great majority of the territory of the United States lay within areas dry by local or state law. During the year 1916 the United States Supreme Court upheld the Webb-Kenyon Act forbidding the transportation of liquor into states which forbade the traffic. Late in this year a constitutional amendment was introduced into Congress to forbid the liquor traffic by Federal enactment for the whole country. Thus it will be readily seen that it was arrant nonsense for some opponents of prohibition to claim, as they later did, that the system was "slipped over" while "the boys" were across seas. Even if every soldier who went to France had been a strong anti-prohibitionist and all had been permitted to vote upon the issue with their fellow-countrymen, the result would have been the same.

In the meantime, Montana came very near to being dried up by Federal law before her own act became effective. The coming of war in April, 1917, caused the Council of National Defense to consider the matter, first of a dry zone around each cantonment and later of war time prohibition. Dr. Irving Fisher tells us that he was asked by the Council to call a conference on alcohol of leading economists and physicians and that this group agreed to recommend to the council both the dry-zone and total prohibition of the liquor traffic during the war, but the brewers blocked the second proposal.

The importance of war-time prohibition as a means of increasing the amount of grain available for food led to further consideration of an outlawing of the further production of alcoholic liquors. Prof. Alonzo Taylor demonstrated that the barley used in beer production would make 11,000,000 loaves of bread daily. While Congress was considering this measure, the opposition of the brewers continued but finally the Lever Food Conservation bill was amended in the House to include war-time prohibition. It very nearly passed the Senate but the friends of the brewing industry refused to let the food bill pass with this amendment so President Wilson requested the drys to drop the matter in order to get the important and greatly needed bill passed.

It was indirectly due to this defeat of prohibition that the Eighteenth Amendment came to be passed. Professor Fisher with a coterie of scientists had hoped to test out prohibition for a limited period and was reluctant to see it take the form of a constitutional matter until tested by experience but the hand of these leaders of public opinion was forced. In their wrath at being denied war-time prohibition, the drys got the resolution submitting the Eighteenth Amendment through the Senate on 1 August, 1917, and through the House December 18. It was then quite apparent that an overwhelming public sentiment would support the amendment and a bill to provide war-time prohibition was passed 21 November, 1918, prohibiting the manufacture of intoxicating liquors after May 1 and their sale after 30, June, 1919. This was to continue in force until the army was demobolized.

On 29 January, 1919, acting Secretary of State Polk proclaimed that thirty-six states had ratified the prohibition amendment and that after 16 January, 1920, the amendment would be effective. Montana had ratified this amendment on 19 February, 1918, being the seventh state to ratify. On 28 October, 1919, Congress passed legislation known as the National Prohibition Act, popularly called the Volstead Act, giving effect to the Eighteenth Amendment, and thus giving Montana two sets of prohibition laws.

The year 1926 was marked by a strongly militant movement throughout the entire nation to obtain a modification of the Volstead Act by Congress, permitting the sale of light wines and beers or allowing the state to regulate the permissible alcoholic content. The movement attempted to weaken the enforcement of the prohibitory laws by limiting appropriations and by contesting cases strongly in court. Congress was petitioned for a national referendum on the subject.

As one result of this general sentiment against the prohibition movement Mantana repealed her state laws enforcing prohibition, except that forbidding sales to minors, by a majority of 10,000 on 2 November, 1926. This action was open to a number of interpretations some of which were widely variant. Perhaps as fair as any was the one here quoted from the Helena *Independent:*

"Outrageous conduct of Federal and State prohibition enforcement officers in violating rights of citizens by making search without warrants, recognition of the failure of enforcement of prohibition laws, and a strong sentiment for modification, combined to register a vote of 10,000 for repeal of state prohibition laws in Montana, and doubtless these three things were controlling influences of other states where referendums were held. But the votes of Tuesday to repeal state laws and expressing a desire to modify the Volstead Law, cannot be interpreted to mean that there is any sentiment in Montana or elsewhere for a return to the saloon system of selling liquor, wines, and beer."

The friends of prohibition in Montana could not believe it possible that the vote represented the majority sentiment in the state which had nine years before voted itself dry by a good majority. Hence they believed that a second opportunity to express their sentiments on prohibition would lead to a reversal of the action of 1926. At the election of November, 1928, the question was put by initiative petition whether or not the people would enact the Volstead law as the law of the state and in addition permit any future amendments to the federal law automatically to become the law of the State of Montana. Thus the form in which the question was submitted forced the people who voted affirmatively to approve in advance legislation about which they knew nothing, a truly remarkable piece of legislation! The answer was decisive: 68,431 favored the measure, 80,619 opposed it. Apparently many were not interested in the question, for the presidential vote was 40,000 in excess of the total number cast on the prohibition issue.

The Election of 1928

For the general election of 1928 the Democrats nominated Governor Erickson to succeed himself, and the Republicans named Wellington D. Rankin, a well-known Montana politician, the brother of Miss Jeannette Rankin who had been the first woman to sit in the Federal House of Representatives. Although Mr. Hoover of California, won over Mr. Smith, of New York by a large majority, Governor Erickson easily defeated Mr. Rankin in a very quiet campaign.[9] Under Governor Erickson's administration, although taxes had not been increased, the large floating debt inherited by him from the previous Republican administration had been reduced; an excellent program for the building of good roads was under way; the various state administrative offices were functioning smoothly, and, all in all, there was little to criticize in the Erickson administration by an opponent. The state had enjoyed an unusual era of financial prosperity, banking, agriculture and stockraising were on a stable basis, and the copper producers had recovered from the bad times following the Peace of Versailles, 1919. Thus there was little, if any, occasion for the people to change the party and personnel of state administration.

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[9] In June, 1928, occurred the death of one of the foremost Republican leaders, Dr. Oscar Monroe Lanstrum, M. D., of Helena. While he was very active in politics, having been the Republican contestant for the senatorship won by Thomas J. Walsh, and being a national committeeman at the time he was stricken by apoplexy, he was also known for his numerous philanthropies and for his Masonic affiliations. He was the owner of the Helena *Record-Herald* until a short time before his death.

With a similar success, the Junior Democratic candidate for United States senator, the Hon. Burton K. Wheeler, met his opponent, ex-Governor Joseph M. Dixon, and Congressman John M. Evans in the First District met his opponent, Mr. M. D. Fitzgarrald. Mr. Scott Leavitt, Republican, the member of Congress from the Second District, held his seat in the House against the contests of Mr. B. A. Taylor, the Democratic nominee, and Mr. I. M. Kause, the Socialist candidate.

Perhaps it is fitting here to comment upon the strange fact that Montana has with but two exceptions elected Democratic governors, the exceptions being Governors Richards and Dixon, while Bryan and Wilson were the only Democratic candidates for the presidency who have carried the state. Stranger still, the state has not, in recent years, seen fit to support its governor with other officials of like political faith.

In the election of 1928, Mr. L. A. Foot was continued in the office of attorney-general; Mr. W. E. Harmon was transferred from the state treasurership to the office of secretary of state; Mr. George P. Porter succeeded himself as auditor; Mr. F. E. Williams was elected treasurer; and Miss Elizabeth Ireland of Havre, having defeated the previous incumbent, Miss May Trumper, in the Republican primaries for the superintendency of public instruction, was easily elected over her Democratic opponent. All these officials were of the Republican party.